TOWN OF HUACHUCA CITY

The Sunset City

500 NORTH GONZALES BOULEVARD • HUACHUCA CITY, ARIZONA 85616
PHONE (520) 456- 1354 • TDD (520) 456-1353 FAX: (520) 456-2230
E-MAIL: admin@huachucacityaz.gov

HUACHUCA CITY TOWN COUNCIL MINUTES
SPECIAL MEETING AT 7:00 PM
MONDAY JUNE 10, 2013

Present:

Mayor:	**Byron Robertson**
Mayor Pro-Tem:	**Pat Woodruff**
Council Members:	**Donna Johnson** **Gene McCullough** **Walter Welsch** **Duane Brown** **Laura Wallace**
Town Clerk:	**Louie Valdez**
Town Attorney:	**Thomas Benavidez**

Absent:

A. **Call to Order and Pledge of Allegiance (7:00PM)**

B. **Roll Call**

C. **New Business**

1. **Discussion and/or Action [Town Clerk/Administrator]: Resolution 13-03, a resolution of the Town Council of Huachuca City canvassing the returns of the general election of May 21, 2013, as required by A.R.S. 16-642(A); 16-643 and 9-821.**

Mayor Robertson made a motion to open the item for discussion, seconded by *Councilmember McCullough*. Discussion was had regarding the results from the May 21, 2013 General Election

Mayor Robertson made a motion to canvass the vote, seconded by *Councilmember Welsch*

Motion Approved Unanimously

2. **Discussion and/or Action: [Town Clerk/Administrator]: Certification of the facts requiring a recount of the votes for the office of Mayor of Huachuca City, as required by A.R.S. 16-661 and 16-662; directing the Town's Attorney to file the certification with the Cochise County Superior Court; and authorizing payment for all recount expenses, as required by A.R.S. 16-666.**

Mayor Robertson made a ***motion*** to open the item for discussion and/or action, ***seconded*** by *Councilmember Johnson*

Discussion was had about the requirement for an automatic recount due to the difference in votes being 10 or less between the top two mayoral candidates. There was also discussion on when the new mayor would be sworn in and seated once the results of the recount are in.

Motion made by *Mayor Robertson* to request an automatic recount as the law required, ***seconded*** by *Councilmember Wallace*

Motion Approved Unanimously

D. **Adjournment**

Motion made by *Mayor Robertson* to adjourn, ***seconded*** by *Councilmember McCullough*

Motion Approved Unanimously

Town Clerk/Administrator Louie Valdez stated the 3 newly elected Councilmembers have requested that they be sworn in this evening so that they may be seated at the next regular council meeting to be held on June 13, 2013.

Mr Valdez then swore in Councilmembers Laura Wallace, Donna Johnson, and new Councilmember Mary Van Slyke

Approved by Mayor Robertson on _____, 2014

_____

Mayor *Byron Robertson*

Certification

I hereby certify that the foregoing is a true and correct copy of the Minutes of the Regular Meeting for the Town of Huachuca City held on June 10, 2013. I further certify that the meeting was duly called, and a quorum was present.

_____

Town Clerk/Administrator, Louie Valdez

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HUACHUCA CITY TOWN COUNCIL MINUTES
REGULAR MEETING AT 7:00 PM
THURSDAY JUNE 13, 2013

Present:

Mayor:

Mayor Pro-Tem: **Gene McCullough**

Council Members: **Donna Johnson**
Mary Van Slyke
Walter Welsch
Duane Brown
Laura Wallace

Town Clerk: **Louie Valdez**

Town Attorney: **Absent**

Absent: **Byron Robertson**

A. **Call to Order and Pledge of Allegiance (7:00PM)**

B. **Roll Call**

C. **Invocation**

1. **Invocation given by Pastor Carnes**

D. **Approval of Minutes**

Regular Meeting of Thursday, May 23, 2013
Motion **made** by *Acting Mayor Pro Tem McCullough* to approve the May 23, 2013 Regular Meeting Minutes, ***seconded*** by *Donna Johnson.*

Motion Approved 6-0

E. **Call to the Public [3 minutes limit] Agenda Items Only**

F. **Reports by Officers**

Council Member Johnson reported the Huachuca City Fire Department and the Whetstone Fire Department have been working together with the jaws of life to tear apart the cars on Bob Fenimore's property and clean it up. Council Member Johnson stated it is looking really good. Council Member Johnson stated the Animal Shelter is also looking really good and she would like to thank all who have contributed. Chief of Police Dennis Gray stated the Grand Opening for the Animal Shelter is June 27th. Chief Gray stated the Citizen Patrol vehicle is ready to go now and he invited the Council to go for a ride. Chief Gray stated one officer, Jessie, will be leaving to work for the County.

Council Member Wallace stated she will be rescheduling the Parks and Rec meeting due to the Special Council Meeting held on Monday, the next one will be July 8th. Council Member Wallace stated the This and That meeting will be July 23rd and will be held on how to build a 72 hour kit and there will be some First Aid training as well. Council Member Wallace stated the Summer Splash program is going great.

Council Member Brown gave a financial report and reviewed major expenses. Council Member Brown stated there will also be a blood drive in July and that the Town Clerk has the information.

Council Member Welsch reported 35 requests for the use of the dumptruck to get rid of junk. Council Member Welsch stated the new connects for water service are at 59 with 57 requests for disconnects and 8 no-pays. Council Welsch stated landfill usage is showing 773 residential visits, 349 commercial visits among others for a total of 1266 loads going in this 5 months; which is not bad.

Council Member Van Slyke had no report but wished to thank all those who voted for her and stated she will promise to do her best. Council Member Van Slyke read a statement.

Acting Mayor Pro Tem McCullough reported that Planning and Zoning has not had a meeting in 2 months.

Librarian Lisa Lewis reported the pool is very busy. Ms. Lewis stated swimming lessons are also going very well. Ms. Lewis stated Summer Splash is going very well and the staff is very organized and doing great. Ms. Lewis stated the Town is running 2 busses every day now and she is working with ADOT on the grant. Ms. Lewis stated the Library is busy with Summer Splash children and others as well. Ms. Lewis stated at the next Council meeting she will be bringing an internet policy for approval. Ms. Lewis stated there is a special event for Flag Day at 9:00am at the Library Tomorrow and karaoke will b e at the park next week.

G. **Town Clerk-Administrator's Report**

Town Clerk/Administrator reported he has received the Order form the Court and the recount will be at the old high school building in Bisbee, at the Elections Office, on Monday June 17, 2013 and the public is welcome to attend. Mr. Valdez stated that a notice will be posted noticing the recount. Mr. Valdez stated he attended the Arizona Municipal Clerks Academy this week in Phoenix and discussed some of the

topics discussed there. Mr. Valdez stated the grand opening for the Animal Shelter is on June 27th adding that he has been working with those involved to improve the services in this area. Mr. Valdez stated that Lisa Lewis received a Practioner's Certificate at the Library Academy this last week. Mr. Valdez stated the Records Management is under way and dozens of boxes will be able to be organized and /or destroyed under retention schedules adding a lot of records will be scanned and indexed for easy access. Mr. Valdez stated he has some ideas for Camp Naco and he will be discussing those at a later date.

H. **Unfinished Business**

I. **New Business**

1. **Discussion and/or Action [Councilmember Welsch]: Authorization and direction by the Mayor and Council for the Town Clerk to post a Notice of Special Meeting within 24 hours following the receipt of the Order of Determination from Cochise County Superior Court regarding the Huachuca City General Election Recount for the Mayor's race.**

   Councilmember Welsch ***made a motion*** to open the item for discussion and/or action, ***seconded*** by *Councilmember Brown*

   Motion Approved 6-0

   Discussion was had regarding calling a Special Meeting in the absence of a Mayor and whether or not a Special Meeting is necessary or if swearing in the Mayor can wait until the next Regular Meeting

   Councilmember Van Slyke ***made a motion*** to post a Notice of Special Meeting with the amendment of allowing the Council, in the absence of the Mayor, to call a Special Meeting, ***seconded*** by *Acting Mayor Pro Tem McCullough*

   Motion Approved 5-1
   Councilmember Wallace voting Nay

2. **Discussion and/or Action: [Councilmember Welsch]: Addressing the issues related to the performance of Mayor Byron Robertson**

   Councilmember Welsch ***made a motion*** to table this item due to the absence of Mayor Robertson, ***seconded*** *Councilmember Brown*

   Motion Approved 6-0

3. **Discussion and/or action [Town Clerk/Administrator and Councilmember Van Slyke]: Resolution No. 13-04, a resolution of the Town Council of Huachuca City, approving a schedule for adoption of the Town's budget for fiscal year 2013-14; and authorization to publish and schedule FY 2013-14 Budget Calendar and budget hearings.**

   Councilmember Van Slyke ***made a motion*** to open for the item for discussion and/or action, ***seconded*** by *Councilmember Brown*

Discussion was had on dates for public hearings and preparation of the actual budget.

Councilmember Van Slyke ***made a motion*** to approve a schedule for adoption of the fiscal year 2013-2014 budget to happen before June 24th. ***Seconded*** by *Councilmember Brown*

Motion Approved 6-0

4. **Discussion and/or action [Town Clerk/Administrator]: Authorization for Mayor, Council and Town Clerk to travel to the Arizona League of Cities and Towns' Annual Conference in Oro Valley, Arizona, August 27-30, 2013**

Acting Mayor Pro Tem McCullough ***made a motion*** to open the item for discussion and/or action, ***seconded*** by *Councilmember Johnson*

Discussion was had regarding hotel reservations and conference registration.

Motion Approved 6-0

5. **Discussion and/or action [Town Clerk/Administrator]: Authorization for Town Clerk to travel to the 2013 Municipal Clerk's Annual conference and Elections Training in Mesa, Arizona, July 17-18 2013.**

Councilmember Welsch ***made a motion*** to open the item for discussion and/or action, ***seconded*** by *Acting Mayor Pro Tem McCullough*

Discussion was had on what this training is and the cost

Motion Approved 6-0

J. **Payment Approval Report in the amount of $228,737.88.**

Councilmember Brown ***made the motion*** that payment approvals be made in the amount of $228,737.88, ***seconded*** by *Councilmember Johnson*

Discussion was had on the amount of grant reimbursements and how they are reflected

Motion Approved 6-0

K. **Call to the Public [3min. limit] Issues within the jurisdiction of the Huachuca City Town Council.**

L. **Adjournment**

Acting Mayor Pro Tem McCullough ***made a motion*** to adjourn, ***seconded*** by *Councilmember Johnson*

Motion Approved 6-0

Mayor *Byron Robertson*

Certification

I hereby certify that the foregoing is a true and correct copy of the Minutes of the Regular Meeting for the Town of Huachuca City held on June 13, 2013. I further certify that the meeting was duly called, and a quorum was present.

Town Clerk/Administrator, Louie Valdez

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HUACHUCA CITY TOWN COUNCIL MINUTES
REGULAR MEETING AT 7:00 PM
THURSDAY JUNE 27, 2013

Present:

Mayor:	**Ken Taylor**
Mayor Pro-Tem:	**Mary Van Slyke**
Council Members:	**Donna Johnson** **Walter Welsch** **Duane Brown** **Laura Wallace** **Gene McCullough**
Town Clerk:	**Louie Valdez**
Town Attorney:	**Absent**

Absent:

A. **Call to Order and Pledge of Allegiance (7:00PM)**

B. **Roll Call**

C. **Approval of Minutes**

- Regular Meeting of Thursday, June 13, 2013.
- Special Meeting of Monday, June 10, 2013.
- Special Meeting of Tuesday, June 18, 2013.
- Special Meeting of Monday, June 24, 2013

Town Clerk-Administration Louie Valdez asked that the approval of minutes be postponed until a future meeting.

D. **Call to the Public [3 minutes limit] Agenda Items Only**

Mr. George Nerhan stated he had looked at the agenda and has some suggestions about the appointment of department heads

E. **Reports by Officers**

Librarian Lisa Lewis reported on the swimming pool and programs going on at the pool. Ms. Lewis reported the transit program is doing well. Ms. Lewis reported that the library is busy with the summer programs and participation is really good. Ms. Lewis stated the monthly karaoke night will be the 19th of July adding there is also some career information available at the library. Ms. Lewis stated the library is also working on Back to School night and they are seeking donations of school supplies.

Councilmember Welsch stated he will be provided with Senior Center calendars for the next meeting.

Councilmember McCullough stated there has not been any Planning and Zoning meetings this month.

Councilmember Wallace stated the 4th of July barbeque will start at 12:30pm and at 3:00pm the ROTC Color Guard from Tombstone High School will perform and there will be a water slide and games for children. Councilmember Wallace stated extra glow sticks were purchased for the kids this year. Councilmember Wallace stated the next Parks and Rec meeting will be on July 8th. Councilmember Wallace stated tomorrow is the last day in the first Summer Program session and the next session will start on Monday.

Councilmember Brown let Fire Chief Jon Allmon report on the Fire Department. Chief Allmon stated he was approached by Sheriff Daniels and was told that Huachuca City Fire Department has been doing a good job. Chief Allmon gave a report on the fire situations in the area and a description of a fire that was handled in Whetstone. Chief of Police Dennis Gray reported the Police Department has been writing quite a few tickets. Chief Gray reported on personnel and stated that the Animal Shelter was open today.

Councilmember Johnson asked Larry Tysiac to report. Mr. Tysiac stated he had given Council information of what has been going on the past couple of weeks. Mr. Tysiac stated he going to take the $3,000 check and the report to Phoenix tomorrow and he will get the OSHA and ADEQ requirements taken care of. Mr. Tysiac reported on the effluent project and stated the Town will be getting their ADEQ permit in August. Mr. Tysiac also provided to Council a list of Capital Improvement projects.

Mayor Pro Tem Van Slyke reported she had spoken with Melissa Braswell today to see what could be done to make her job easier. Mayor Pro Tem Van Slyke also gave some fund balances and shared some major expenses in the payment approval report.

F. **Town Clerk-Administrator's Report**

Town Clerk-Administrator Louie Valdez reported about the ADEQ letter that Larry has spoken about. Mr. Valdez stated he will be speaking with a solar power company next week. Mr. Valdez stated he has started budget meetings with the department heads and stated one of the things that will be done at the budget

meetings with Council is that each department head will present their budget to Council and answer any questions. Mr. Valdez stated a woman came into the office to lodge a complaint against local property owner and he will keep Council up to date on that issue. Mr. Valdez gave an update on the water slide for the 4th of July Celebration. Mr. Valdez stated there will be a meeting on July 2nd with himself, Mayor Pro Tem Van Slyke, Chief Gray and Chief Allmon at Cochise County to meet with Sheriff Daniels and the County Manager to discuss an agreement. Mr. Valdez stated the signature cards were changed on the bank accounts due to the new Council. Mr. Valdez stated he has received an updated proposal from Flights Next which is a helicopter medical transport company, the landing site in their proposal is unacceptable.

G. **Unfinished Business**

H. **New Business**

1. **Discussion and/or action: [Mayor Taylor]: Executive [closed] session, pursuant to A.R.S. 38-431.03(A)(1) and (3) to discuss the employment performance of Scott Allard, the Town's Animal Control Officer, and for discussion and legal advise from the Town's Attorney.**

   Motion *Mayor Taylor* to enter into Executive Session, ***seconded*** by *Councilmember Wallace*

   Motion Approved Unanimously

2. **Discussion and/or action: [Mayor Taylor]: Possible discussion or action from the above-described executive session concerning the employment performance and status of Scott Allard, the Town's Animal Control Officer.**

   Motion made to open for discussion by *Mayor Taylor*, ***seconded*** *Council Member Brown*

   Mayor Taylor stated employment status will be left up to the department head. Mayor Taylor stated alternate employment has been found for Mr. Allard and there was an outside investigation done and there was no criminal wrongdoing.

   Mayor Taylor made a ***motion*** to uphold Chief Gray's decision, ***seconded*** by *Council Member McCullough.*

   Motion Approved 6-1
   Councilmember Johnson voting Nay.

3. **Discussion and/or action: [Mayor Taylor]: Town of Huachuca City Landfill's participation in Ft. Huachuca RFP Solar Energy Project.**

   Mayor Taylor made ***motion*** to open for discussion and/or action, ***seconded*** by *Council Member Brown*

Town Clerk-Administrator Louie Valdez gave an explanation of the item and the opportunity for the Town.

4. **Discussion and/or action: [Mayor Taylor]: Appointment of Huachuca City Town Clerk-Administrator**

Mayor Taylor made ***motion*** to open for discussion and/or action, ***seconded*** by *Councilmember Wallace*

Mayor Taylor stated these appointments should be done every two years.

Mayor Taylor made ***motion*** to appoint Louie Valdez as Huachuca City Town Clerk-Administrator, ***seconded*** by *Councilmember McCullough*

Motion Approved Unanimously

5. **Discussion and/or action : [Mayor Taylor]: Appointment of Huachuca City Police Chief and Fire Chief**

Mayor Taylor made ***motion*** to open for discussion and/or action, ***seconded*** by *Council Member Johnson.*

Mayor Taylor made a ***motion*** to reaffirm the appointment of Police Chief Dennis Gray and Fire Chief Jon Allmon, ***seconded*** by *Mayor Pro Tem Van Slyke.*

Motion passes Unanimously

Mayor Taylor announced he would ask the Council to take up Action Item 8 prior to proceeding with the rest of the agenda as posted.

6. **Discussion and/or action : [Mayor Taylor]: Appointment of Huachuca City Library Director**

Mayor Taylor made ***motion*** to open for discussion and/or action, ***seconded*** by *Council Member Johnson.*

Discussion was had on what a great job Ms. Lewis does.

Mayor Taylor made a ***motion*** to reaffirm the appointment of Lisa Lewis as Library Director and Town Engineer , ***seconded*** by *Councilmember Brown*

Motion passes Unanimously

7. **Discussion and/or action : [Mayor Taylor]: Appointment of Huachuca City Public Director and Town Engineer**

Mayor Taylor made ***motion*** to open for discussion and/or action, ***seconded*** by *Council Member Johnson.*

Discussion was had on Mr. Tysiac's schedule

Mayor Taylor made a ***motion*** to reaffirm the appointment of Larry Tysiac as Public Works Director and Town Engineer , ***seconded*** by *Councilmember Johnson*

Motion passes Unanimously

8. **Discussion and/or action: [Mayor Taylor]: Consideration of a contract extension for the Town's Magistrate, Ann Lund**

Mayor Taylor ***made*** a motion to open for discussion and/or action, ***seconded*** by *Councilmember Wallace.*

Discussion was had regarding Ms. Lund's contract terms and putting the contract out for applicants.

Mayor Taylor made a ***motion*** to advertise the position and to extend the Town Magistrate contract until the end of August, ***seconded*** by *Councilmember Wallace*

Motion passed Unanimously

9. **Discussion and/or action: [Mayor Taylor]: Administration of Oath of Office for Department Heads in accordance with Town Code Section 2-1-5 Oath of Office.**

Mayor Taylor made a ***motion*** to open the item for discussion and/or action, ***seconded*** by *Councilmember Johnson*

The Department heads were all sworn in with the exception of Town Magistrate.

10. **Discussion and/or action: [Council Member Wallace]: Direction to Town Staff concerning the Town's 4th of July Celebration**

Councilmember Wallace made a ***motion*** to open the item for discussion and/or action, seconded by *Councilmember Johnson*

Councilmember Wallace asked for help during the 4th of July festivities from Staff. Discussion was had regarding the options that were available.

Mayor Taylor made a ***motion*** to authorize appropriate overtime, ***seconded*** by *Councilmember McCullough*

Motion Approved Unanimously

I. **Payment Approval Report in the amount of $267,772.99.**

Mayor Taylor made ***motion*** to pay the bills, ***seconded*** by *Council Member Wallace.*

Motion passes Unanimously

J. **Call to the Public [3min. limit] Issues within the jurisdiction of the Huachuca City Town Council.**

Mr. Robert Boston spoke about lack of communication, which causes problems. Mr. Boston stated he would like Council to start communicating

Mr. Craig Smith stated he was there to offer kudos to the new Council on starting work on the Town Code. Mr. Smith spoke about possible changes to the Town Code.

Mr. Dave Perry stated he has 3 things to speak about, first is help on the 4th of July, seconded is he thinks the new Council will work together well and last it has been brought to his attention that the Senior Center is a pig sty and there have been accusations that things have been taken from there.

K. **Adjournment**

Mayor Taylor made ***motion*** to adjourn meeting, ***seconded*** by *Councilmember McCullough*

Motion passed Unanimously

Meeting adjourned at 9:05pm.

Mayor *Ken Taylor*

Certification

I hereby certify that the foregoing is a true and correct copy of the Minutes of the Regular Meeting for the Town of Huachuca City held on June 27, 2013. I further certify that the meeting was duly called, and a quorum was present.

Town Clerk/Administrator, Louie Valdez

MINUTES OF REGULAR MEETING
HUACHUCA CITY TOWN COUNCIL
THURSDAY, MAY 23, 2013, 7:00 P.M.

Town Hall Council Chambers - 500 N. Gonzales Blvd. - Huachuca City AZ 85616

~ AGENDA ~

A. Call to Order:

Mayor Robertson called the meeting to order at 7:00p.m. and asked for Roll Call.

B. Roll Call: Roll Call conducted by Town Clerk/Administrator Louie Valdez

Mayor Robertson, Mayor ProTem Woodruff, Council Members Johnson, McCullough, Welsch and Brown(arriving at 7:25p.m.). Absent is Council Member Wallace.

C. Invocation: Chaplain Dave Carns delivered the invocation.

D. Approval of Minutes: Regular Meeting Thursday, May 9, 2013

Mayor Robertson made a motion to accept the minutes of May 9, 2013 with discussed changes of fixing typos and Tucson City Attorney name to Dent. Seconded by Council Member Johnson. Motion passed 5-0.

E. Call to the Public [3 minute limit] Agenda Items Only. None.

Town Council may make an open call to the public during a public meeting. Individual members of the Town Council may respond to criticism made by those who have addressed the Council, they may ask staff to review a matter or they may ask that the matter be put on a future agenda. Members of the Town Council shall not discuss or take legal action on matters raised during an open call to the public unless the matters have been properly noticed on the agenda for discussion and legal action A.R.S. 38-431.01 (G). In order to speak during Call to the Public, please specify what you wish to discuss when completing the Call to the Public form.

F. Reports by Officers

Council Member Johnson turned the time over to Police Chief Dennis Gray who stated he would like to thank Jeff and Dave and his church for putting on a Law Enforcement Appreciation Day last Sunday. Chief Gray stated they reorganized the Police Department there is now a full time officer at the Animal Shelter, a supervisor. Chief Gray stated that the shelter was to be closed down for 21days there was an extra week added to it so that Truly Nolen could take care of the pest problems. Chief Gray stated the Citizens Patrol will be ready to go once they finish and pass their CPR and First Aid class. Chief Gray stated he would like to thank the Council for their support over the years. Council Member Johnson stated she spoke to the Fire Chief and he stated that everything they have ordered has come in training is going well and the fire department is still looking for volunteers.

Council Member McCullough stated the Planning & Zoning Commission did not meet in May but they will be meeting the first week of June.

Council Member Welsch stated the public might be interested that the Consumer Confidence Report will be published in the Sierra Vista Herald on June 1 and the report has also been submitted to ADEQ. Council Member Welsch reported the booster pump switches are working properly and new water and wastewater service was connected to the mains on 104 Howard Street adding they are still picking up trash due to the wind. Council Member Welsch stated all service slips and blue stake requests have been completed for the month and the city pool will be open for swimming on the Saturday morning.

Mayor ProTem Woodruff reported that the Friday night activity at the Library is growing there is a lot of enthusiasm and that the summer programs are moving forward. Mayor ProTem Woodruff stated there is 2 sessions for the summer and Huachuca City residents get first choice and concluded by stating the library is staying busy.

Public Words Director Larry Tysiac stated there were a couple of things that came up last minute that he would like to address. Mr. Tysiac stated he has passed out a report and photographs of Camp Naco, which are self-explanatory that things are going well. Mr. Tysiac explained that the lounge chairs at the pool are 8 years old and the vinyl strapping is worn out so he has gone to Phoenix to buy 300 feet of strapping at wholesale and, with the help of a Utube instructional video, will be able to re-strap the chairs for a $200 cost. Mr. Tysiac stated the final item is at Town Hall explaining they have noticed the traffic behind the building has been getting heavier and moving fast adding staff wants to try rerouting traffic headed to the Library and Senior Center to the front of the building. Mr. Tysiac stated he will work with the Chief of Police to put up signs restricting driving adding that one of the reasons is the inmates are usually behind Town Hall and it is just not safe. Mr. Tysiac stated they going to try it out and see if it works, if it is successful they will put permanent signs if Council approves adding he will take the signs down by the Senior Center that say emergency vehicles only. Council Member McCullough stated he didn't know there was a problem. Mr. Valdez added that there are also a lot more kids behind the building with school being out and the summer programs going on.

Mayor Robertson stated he would like to speak on the animal shelter there was a meeting with a lot of volunteers this last weekend and things are rolling in the right direction. Mayor Robertson stated Truly Nolen went over to the Shelter and there is a pretty serious rodent problem that needs to be taken care of.

G. Town Clerk-Administrator's Report

Mr. Valdez stated that there is a lot of work going on at the Shelter; there are volunteers from the fire department helping to clean up a lot of clutter in and outside of the building. Mr. Valdez stated that Truly Nolen discovered there is a problem with the insulation at the Shelter in that it was full of rat nests so all of the insulation needs to be replaced. There will be a number of changes taking place starting with new personnel and the new protocol and record keeping systems and he will have more information at the next meeting.

Mr. Valdez reported Huachuca City is assisting with the fire in Santa Cruz County by taking ice down to the encampment at the Nogales Airport; there will not be containment of the fire for at least another week and a half. Council Member Johnson asked about the water truck being down there with Mr. Valdez stating they were not able to take it down there.

Mr. Valdez stated the landfill is another area of concern in that there is approximately $207,000 worth of past due billings those are at least one year old and he would say that $113,000 is 90 days past due. Mr. Valdez stated he has contacted those vendors who are in past due status to bring those in line so far he has collected about $12,000.

Mr. Valdez stated he will be working on the traffic problem behind the building because the children out.

Council Member Welsch stated that last week when they were there the communications officer stated that she would provide Council with a link so that they could find out what they need to do in order to be trained with Mayor ProTem stating that training for Public Officials is being revamped and is currently not available yet. Council Member Welsh stated he was advised that he would be given a key to the desk so that he could get a key to the van if he needed to and it has not been done yet.

H. Unfinished Business

I. New Business

Mayor Robertson moved item 2 to be discussed first in order to allow the public to leave if they did not wish to hear the financial presentation.

1. **Discussion and/or Action [Town Clerk/Administrator]: Quarterly Financial Report as presented by Ruben Villa.**

Mayor Robertson made a motion to open the item for discussion and or action. Seconded by Council Member Johnson.

Council Member Duane Brown arrived at 7:25p.m.

Town Finance Director Ruben Villa stated this is the last report before they begin the annual process of putting the budget together. Mr. Villa noted that the presentation in front of them is through the 3rd quarter plus one month. Mr. Villa stated there are 2 comparisons the first is actual compared to elapsed budget, which is the amount you estimated you should be at the close of the fiscal year, and the second is the actual revenues and expenditures compared to the actual budget. Mr. Villa stated this provides Council with a visual as to where the Town should be at any given time of the year. Mr. Villa stated at this time the Town has reported $4.2 million dollars in revenue for all funds and $4.1 million dollars in expenditures, there is currently $152,000 in surplus, some of this surplus is coming from carry forwards. Mr. Villa pointed out that at the end of April we estimated being at $7.4 million in both revenues and expenditures and when you compare both we are at 48.2% of the budget when we have completed 83% of the year. Mr. Villa stated 56% of revenue is from the

enterprise funds, 35% is from the General funds there is some from and grants and $147,000 from Special Revenue. Mr. Villa added money should be getting spent at the same proportion that it is coming in. Mr. Villa stated reports he produces are more detailed than the slides he is showing and he explained to Council what some of the codes on his report stand for. Mr. Villa stated that the global view of the General Fund is almost on target there is $7,100 to the plus and the Police Department grant for overtime has a $42,000 surplus. Mr. Villa stated the only fund in the negative is the Recharge Project in which $355,000 has been spent and is awaiting reimbursement noting that reimbursement should be in by the end of the fiscal year. Mr. Villa stated the General Fund's largest category is internal revenue which is landfill and cash reserves, next largest is property tax and sales tax. Mr. Villa stated the good news is that the Town is spending at the same rate the money is coming in. Mr. Villa stated there are a few departments that are a little ahead of the budget. Council Member Johnson asked if they could see more detail in the budget so they know where the money is going, she used the Council amount of $99,000 when she knows that Council doesn't make that much. Mr. Villa stated the $99,000 Council line item does not just include salaries; it is a department and includes things like legal fees, travel and vehicle expenses. Mr. Valdez explained he would like to make each department responsible for their own budgets so they can be explained easier. Mr. Villa showed the Council in the reports where expenses are broken down. Mr. Villa stated the General Fund has historically funded the difference in the animal shelter income and expenditures. Mr. Villa stated the largest part of revenue comes from the Landfill Lease adding he would like to show the Council what is needed for the operation and what is needed for the contingency. Mr. Villa stated the summary shows each of the funds and every one of them has a positive number. Mr. Valdez stated that he and Mr. Villa have discussed the method of presentation and thought maybe a more simplified format would work and they would also like to work with each of the departments to break it down further for the presentation.

2. **Discussion and/or Action [Town Clerk/Administrator]: Donation of $3,000.00 by The Jensen Family for Animal Control Surveillance Equipment.**

Mayor Robertson made a motion to open the item for discussion and interaction. Seconded by Mayor ProTem Woodruff.

Mr. Valdez stated the Town has been overwhelmed with support from volunteer groups, animal rescue groups who have taken a first-hand interest in expressing their concerns and actively participating in the Shelter by providing manual labor, by providing supplies, by providing other resources. Mr. Valdez stated in the course of dealing with this issue there was a meeting of volunteers and the Jensens have stepped up and made a donation for Animal Control Surveillance Equipment once the Shelter is reopened. Mr. Valdez stated the Jensens are here tonight to present the donation to Mayor and Council and Mayor and Council will need to make a motion to accept the donation. Mayor Robertson made the motion to accept the donation and to assign Public Works Director the task of researching and installing the equipment. Seconded by Mayor ProTem Woodruff. Motion passed 5-0.

Ms. Kelly Jensen spoke regarding the donation stating that it is actually from the Hatfield Funeral Home and the Jensen's Sierra Vista Mortuary who donated the money. Ms. Jensen stated that she has volunteered at the Shelter since about February. Ms. Jensen stated she wanted to donate the equipment to have constant monitoring at the Shelter so that someone could monitor it remotely 24 hours a day. Mr. Valdez stated he is very grateful for all of the blood sweat and tears the Jensens' have put into this project. Council Member McCullough made a motion that this money is specifically for this project so if only a portion of it is used the remainder will still be designated to the Shelter. Mayor Robertson accepted that. Mr. Jensen stated he would like the Town to use what it needs from the $3,000 for the surveillance system and if there is some left to use it for other needs at the facility.

J. Payment Approval Report in the amount of $109,408.41.

Mayor Robertson made a motion to pay the bills. Seconded by Council Member McCullough. Motion passed 6-0.

K. Call to the Public: [3 min. limit] Issues within the jurisdiction of the Huachuca City Town.

L. Adjournment

Mayor Robertson made the motion to adjourn at 7:45p.m. Seconded by Council Member Johnson. Motion passed 6-0.

Minutes of Regular Meeting
Huachuca City Town Council
Thursday, May 9, 2013, 7:00 p.m.

Town Hall Council Chambers - 500 N. Gonzales Blvd. - Huachuca City AZ 85616

~ AGENDA ~

A. Call to Order and Pledge of Allegiance (Called to order at 7:00p.m.)

B. Roll Call

Mayor Robertson, Mayor Pro-Tem Woodruff, Council Members Johnson, McCullough, Wallace, Brown and Welsch were in attendance.

C. Invocation

D. Approval of Minutes

- Special/Regular Meeting of Thursday, April 25

Mayor Robertson made the motion to accept the minutes of the April 25, 2013 Regular Meeting. Seconded by Council Member Johnson. Motion passed 6-1 with Council Member Brown voting nay.

E. Call to the Public [3 minute limit] Agenda Items Only.

Elmer Urda spoke regarding the Town Landfill. Mr. Urda spoke about what happens to maintain the landfill, the equipment used, the personnel who care for the landfill and all of the hard work that it takes to keep it going.

F. Reports by Officers

Council Member Johnson stated she appreciates the job the Police Department and the volunteers did last week during the bomb threat. Council Member Johnson stated she is especially thankful for the person who helped her parents. Officer Jim Theis stated he wanted to pass along a thank you to all of the agencies who stepped in and assisted, including the volunteers with Council Member Johnson adding they did a great job and worked together. Mayor Pro-Tem Woodruff stated she also heard feedback, while she was at the Senior Center, including that there must be agreat emergency preparedness plan in place because it went so smooth. Officer Scott? stated he is from animal control and that adoptions have gone up and they were able to save two puppies that were born last week without taking them to the vet, they have overcome a case of parvo and a reminder that snakes are out so be careful where you step. Jim stated in the incident that occurred last Thursday did

best they could with what they had and everything was thought out. Jim stated a lot of people under him including Whetstone, Cochise County, ATF, FBI and the Red Cross adding it was great that it turned out to actually be nothing. Jim stated there was not really a plan in place they just sort of shot from the hip. Jim stated NIMS was sent and they did what NIMS directed them to do and everything fell into place. Jim added the Police Department is getting together with other local agencies to create a plan to use if this should ever happen again. Council Member Wallace stated even though there was not a plan, certainly there has been something learned from this and they are moving forward to creat a plan. Mayor Robertson stated there has already been an after action meeting and problem areas will be identified and there will be an idea of who, what, when and where. Mayor Robertson stated locations need to be identified and they need to identify number of seniors and locations and they will be taken care of just like last time. Mayor ProTem Woodruff asked Chris to clarify the special training in Sierra Vista focused on emergency response procedures and getting people trained in emergency response and to help with strategies. Mayor ProTem Woodruff added that officers and dispatchers should be trained because they are the most involved. Council Member Johnson asked if there were any updates on Citizen Patrol.

Council Member McCullough stated that Planning and Zoning did not have a meeting this month and he will be meeting with Mr. Valdez to put together an agenda.

Council member Wallace stated the last This and That was "It's not too late for Taxes" was very informative. Council Member Wallace advised there is a Parks and Recreation meeting on Monday the 13th lot of stuff on agenda and invited everyone to come out and give ideas adding they will also be talking about 72 hour kits and bringing up for the first time what the community will need in their kits. Council Member Wallace stated the next This and That will be held at a different location, it will be held at the Senior Center, it is titled Fun with Logical Problems and will help exercise your mind; she then stated at the next Parks and Rec meeting they will be discussing the 4th of July.

Council Member Brown gave an update of Town expenditures including repairs, fuel expenses and insurance costs.

Council Member Welsch reported that the pump integration and monthly tests were completed. Council Member Welsch stated with the wind being as it has been that the department along with prisoners picked up the trash along the east fence lines and the south slope. Council Member Welsh stated new pumps were installed at the city pool and they found a problem with the wiring which could have caused the problems. Council Member Welsch stated the west pump backwash valve had to be replaced due to sand and is now working, a hydraulics cylinder on the G2 trash truck had to be replaced, there is a problem with the tank for upper Huachuca City has been fixed.

Mayor Pro Tem Woodruff stated that Lisa Lewis will be giving the report. Ms. Lewis stated the pool will open on May 27, 2013. Ms. Lewis reported they have 6 Life Guards and 2 aids working at the pool. Ms. Lewis stated the pool hours will be Monday, Wednesday and Friday from 10:00a.m. – 5:00p.m. and 10:00a.m. – 6:00p.m. on Tuesday and Thursday. Ms. Lewis explained that there will be night swims on Monday and Wednesday and movie night on Friday. Ms. Lewis stated there will be a Red Cross certified instructor to teach swim lessons for $25 and sign ups will be at the library. Ms. Lewis stated Summer Splash is looking good as far as sign ups and there have been no reprocussions with raising prices. Kids excited about reading program with financial aid from county. Added eveing route to bus sched twth just started ads on marquis, and bills. Starting june 1 will add Whetstone to route. McCullough asking if will consider door to door, lisa yes will look into that if they require it. Has heard residents are excited. Pat stated church is willing to help advertise and be a stop. Working on adot grant, had to bring loiue in to help asking for operating funds not capital have discoveered out of coompliance on several issued have to keep better track of this. Competition is stiff due to budget cuts asking for 20k to keep operations up. Increasing service to increase miles to get funding looking for new bus for next year. Library april was busy , karoake had about 35 people maybe need to offer refreshments, girl scouts came for earth day, made earth promises added to literacy tree, donated 53 new childrens book. National library day in April, nutritional classes for seniors, tutoring for kids, job drop everything and read day. biggest news grant as in march azlapr, outreach program to bring services, asked for money to purchase a mini van to distribute these things, was approved. Mayor Protem Woodruff stated Lisa has stepped up to the plate on so many things, she has worked with Lisa on the grant and Lisa has worked so hard and even stayed on Thursday night to help when she didn't have to.

Mayor Robertson stated he has recieved an email from Sarah Genth, who is a procecutor for the City of Tucson, regarding Huachuca City Animal Shelter and serious issues and an employee. Mayor Robertson stated the employee will not be named at this time. Mayor Robertson continued to read

"I am including Lieutenant Wilkins as I believe he will be receiving a formal complaint soon as well and perhaps you can work together on rectifying this matter. I am coming forward not only out of personal experience with the shelter and the employee but also while we have many people in your community who work and volunteer with animal rescue. There are also people who work for Animal Control who are afraid to come forward for fear of retribution, but would like to see changes in that shelter. I believe one of them will be making a formal complaint today as that individual cannot stomach what has been observed any longer. The bottom line is that these good people have finally had enough, they are tired of watching as animals die and suffer in poor conditions at the direct hand of said employee and not able to do anything about it. Once they are confident that someone in a position of power is ready to make some changes these people are all willing to come forward to speak or to testify in court, do whatever it takes, to get the shelter business done and to get someone who actually cares of animals..."

Mayor Robertson spoke with Police Chief Gray this morning and the shelter employees; City Clerk-Administrator Louie Valdez and Ms. Fuller are making a list of everything that needs to be corrected in order to rectify this situation. Mayor Robertson appologized for bringing this out at the meeting but it is something that needs to be addressed immediately. Mayor Robertson stated he does not know who is complaining but he believes that it may be some of the folks that volunteer are afraid of the retribution he knows it is not employees that are afraid. Mayor Robertson stated this is a serious issue and he is tasking this Council to make sure funding is available and proper action is taken to rectify this. Mayor Robertson stated he will get with Thomas to see how to proceed. Mayor Robertson wanted it noted that the situation is being looked into and if it is training that is needed it will be done. Council Member Johnson asked why he was contacted with Mayor Robertson stating he received these emails on his Mayor email account.

G. Town Clerk-Administrator's Report

Town Clerk-Administrator Louie Valdez welcomed Thomas Benevidas, the Interim Town Attorney. Mr. Valdez reminded everyone of the deadline to request a mail ballot for the upcomming election on May 21st. Mr. Valdez stated the recent bomb threat determined several areas that need to be addressed and it became clear the profile of the individual they are dealing with are not just in Huachuca City and he will have some information and some proposals available soon. Mr. Valdez stated he had given Council an 8 page Statistical report with information, that has been tracked by Chris Hart and Bobby Chapman. Mr. Valdez stated this data is what he is going to use during budget meetings to show what kind of budget resources will need to be dedicated. Mr. Valdez stated these figures can be updated daily if needed, but it is usually weekly. Mr. Valdez stated he was doing research on the Town's Emergency Respnse Plans by doing research with the policy manuals and he found the Town does have an emergency response plan which is several years old and names the clerk as Emergency Service Director. Mr. Valdez stated with all of the other jobs he has to do he would like to change this as there is only so much one person can handle. Mr. Valdez stated he will share an updated version with Council later. Mr. Valdez stated he has given Council a wire bound report from November of 2002 because he has received a request the night of the forum to provide detailed outline for particular property owner. Mr. Valdez stated he is going to take this info going and sit down with the Public Works Director and legal counsel and go over these violations, some violations no longer valid because codes have changed, some pictures look worse today than 12 years ago. Mr. Valdez stated it needs to be discussed to consider practicality of going after every single property owner. Mr. Valdez stated he would like to congratulate Lisa Lewis on obtaining a grant for the library. Mayor Robertson asked if Council had been made aware of the letter given to the Clerk by Mr. George Nerhan with Mr. Valdez stating that he had emailed the letter to all Council Members. Mr. Valdez stated that he has reached out to Mr. Nerhan, through Council and other administrative staff, and made it very clear that this office would like to sit down and trying to find a mutually convenient

solution because it would cost a lot of money to start filing court action. Mayor ProTem Woodruff stated that when you have a major offender and can take care of the situation then other people will start following suit. Council Member Johnson stated this Council and other Councils have just let it go and go, but she agrees something needs to be done. Mayor ProTem Woodruff stated he had the police chief started. Council Member Wallace stated we cant take any excuses. Johnson stated there has been plenty of opportunities and cant take any excuses and there was a statement made at the forum that she didn't agree with. Mr. Valdez stated there will have to be political will from Council and a plan and it will also take money but can be done.

H. Unfinished Business

I. New Business

1. Discussion and/or action [Town Clerk/Administrator]: Dollar General Liquor License.

   Mayor Robertsoon made a motion to open the item for discussion. Seconded by Mayor ProTem Woodruff.

   Mr. Valdez explained this was on the agenda a few weeks back when it raised concern about its proximity to a religious building. Mr. Valdez stated the building is no longer in use and he recommends approval of the liquor license. Motion made by Mayor ProTem Woodruff to approve the recommendation. Seconded by Council Member McCullough Motion passed 7-0.

2. Discussion and/or action [Town Clerk/Administrator]: FY 2013-14 Budget Calendar.

   Mayor Robertson made a motion to open the item for discussion. Seconded by ???.

   Mr.Valdez stated he had given each Council Member a one page outline of the Proposed Huachuca City Budget process calendar. Mr. Valdez explained this is the result of several months of discussion. Mr. Valdez stated the purpose of this is to lay out the dates and have Council have the opportunity to make changes and deletions and also to advertise the schedule of the meetings and this would also be a benefit the public. Mr. Valdez stated he has consulted all of the department heads and Mr. Villa in an effort to bring something a little more tangible to Council. Council Member Brown stated this would section it out in order to work it over and really fine tune it because in previously he was not happy about how the process went last year. Mr. Valdez stated he wants to bring the data he presented forward so it will be easier to understand why they are doing

what they are doing. Mayor ProTem stated last year was different because there was no Clerk and pointed out Mr. Valdez has been there a year now. Mr. Valdez stated he would like to schedule each one for at least two hours in order to have questions answered, make suggestions and leave time for a public hearing. Mayor Robertson stated his concern is that puts them all the way into August. Council Member Brown stated all the meetings are on Thursdays and he has trouble getting off of work. Mr. Valdez stated the times would be from 7:00p.m. – 9:00p.m. Council Member Brown stated maybe to put the public hearing at the beginning of the meeting that would work with Mr. Valdez stating that actutally doesn't have to be done at every meeting. Mayor Robertson stated that he doesn't believe that many worksession will be needed with all of the work that is being done ahead of time by the Clerk and the department heads and he believes this is a much easier process. Council Member McCullough asked if any of these coincide with Council meetings with Mr. Valdez stating some are in conjunction with Regular meetings in order to speed things up. Mr. Valdez asked if the preference for public hearings to be the first and third Thursdays. Council Member McCullough stated that is a lot of meetings though he realizes there is business to do but he also has a family. Mayor ProTem Woodruff asked about public hearings before meetings can take the input to weigh with what they are trying to do. Mr. Valdez gave options that could work.

Mayor Robertson made a motion that Mr. Valdez confirm the dates to make opposite of Council nights to start at 7:00p.m. (Louie the cd ended and I had to switch and the rest of this motion was not on there.) please finish

3. Discussion and/or action [Town Clerk/Administrator]: Arizona Department of Transportation Presentation – Huachuca City Bus Transportation Program Requirements.

   Mayor Robertson made motion to open for discussion. Seconded by Council Member Wallace.

   Mr. Valdez introduced Chris Rudy from the Department of Transportation for this region.

   Mr. Rudy gave a presentation and discussed the grant process for ADOT and what needs to be done in order to be in compliance. Mr. Rudy stated recently the program drastically changed and he went over some of those changes. Mr. Rudy stated SEAGO is there to help the Town determine what they need and how to go about getting it.

4. Discussion and/or action: [Town Clerk/Administrator]: Direction to the Town Clerk from workshop to schedule and advertise public hearings related to height issues at the Huachuca City Landfill.

Mayor Robertson made a motion to open item for discussion and or interaction. Seconded by Council Member Brown.

Mr. Valdez stated staff recommends two or three dates for public hearings, and advertise those public hearings and he suggests that the people who are going to be directly effected by the changes be contacted directly.

Mayor ProTem Woodruff made a motion to schedule the hearings and proceed so they can make the best choice. Mayor Robertson stated he would like the engineering firm to go ahead and come up with the numbers so they have that available to present to the public. Seconded by ???. Motion passed 7-0.

5. Discussion and/or action [Mayor Pro Tem Woodruff]: Emergency Preparedness Plan and scheduling of NIMS Training for Mayor and Council and Town Staff.

   Mayor Robertson made the motions to open the item for discussion and or interaction. Seconded by Council Member Wallace.

   Mayor ProTem Woodruff stated the Police and Fire department have been trained by NIMS and she has found out that elected officials should also be trained. Mayor ProTem Woodruff stated this had been discussed a few months ago but is desirable now after last week. Jennifer Fuller explained that NIMS stands for National Incident Management System and was implemented after September 11. Ms. Fuller stated it is to promote cooperation between agencies it is vital that those making decisions know what their role is. Ms. Fuller stated she believes all grants now are based on being NIMS compliant and she will be happy to help anyone go online and take the tests. Mayor ProTem Woodruff stated she would like to set a date to have this training done by. Ms. Fuller stated she would like to set a goal to move toward. Council Member Walsch asked for a packet with information on where to go and what to take with Ms. Fuller stating she would be glad to help.

   Mayor ProTem Woodruff made a motion to use July 1, 2013 as the date to have all elected officails complete their NIMS training. Seconded by Council Member Johnson. Motion passed 6-1 with Council Member Welsch voting nay.

6. Discussion and/or action [Council Member Welsch]: Item(s) related to confidential personnel incident of March 20, 2013 related to Equal Employment Opportunity Commission (EEOC) Requirements and Concerns.

   Mayor Robertson opened the item for discussion and or interaction. Seconded by Council Member Brown.

Council Member Welsch stated his concern is how the meeting of March 20, 2013 was handled and addressing the gossip around Town. Council Member Welsch stated he recommended several items to Mr. Valdez for the purpose of addressing the gossip and to keep the Town in compliance with the law in order to have a compliant work place. Council Member Welsch stated he wants to be on the record stating this needs to be addressed. Council Member Welsch explained how a complaint to the EEOC is registered and handled is one thing but you also have to handle the effect of that complaint on your workplace. Interim Town Attorney Thomas Benavidez stated that he would agree with Council Member Welsch and the EEOC has stepped up its enforcement efforts and it is something you have to be really diligent about. Mayor ProTem Woodruff asked who can make a complaint to the EEOC. Mr. Valdez stated he agrees with Council Member Welsh and Mr. Benavidez and stated that the individual needs to make the complaint and organizations as a whole are not covered by the EEOC rules when filing a complaint. Council Member Welsh added it could also be an offended party with Mr. Valdez concurring. Mr. Valdez stated that the current personnel manual is so out of date and does not provide for a process to do that and he believes that this situation was not so much as failure of process as it was a failure of policy. Mr. Valdez stated they had proposed and directed to prepare an updated personnel policy however it was not a prioroty and therefore did not get done. Council Member Wallace asked if the reason this is on the agenda is to come to an agreement that we should follow the law with Council Member Welsch stating we need to follow the law. Mr. Valdez stated again there are disagreements on which interpretation of the law to follow adding that classified staff can file grievences and allow Council to address issues with department heads and the Clerk. Mr. Valdez pointed out there is not a code of ethics for the Council. Mr. Valdez reminded the Council that previous Town Attorney Mary Ryan had stated that it was a confidential personnel matter and stated it should be discussed in a confidential meeting. Council Member McCullough stated maybe this item should be discussed in an Executive Session. Mayor ProTem Woodruff made a motion to establish a policy. Council Member Welsch stated he would support a motion saying simply that Louie is in power to bcomply with appropriat action with the instructions provided with the EEOC. Mr. Valdez stated he cannot take action unless the agrieved party asks him to. Council Member Welsch asked how do we talk about addressing gossip. Mr. Valdez stated he could send a memo to staff and advise this is an offense that can be dealt with with disciplinary action and should not be done in the workplace. Mr. Valdez suggestion bring revised manuals back and go through it and add relevent EEOC procedures. Mayor Robertson stated he thought there was supposed to be a workshop with Mr. Valdez stating that is correct however it never happened. Mr. Valdez stated the reason he would like to bring this back is because if Council adopts new policy then every employee will have to sit down and read it and sign that they have read it and received a copy; this

will cause there to be no questions. Mr. Benevidez stated you have to have policies in place in case you get audited or get a complaint. Council Member Welsh stated one thing the Town has is time to rewrite the personnel policies but there still has to be something in place now. Council Member McCullough stated this needs to be put on the agenda. Mr. Valdez will draft a letter for Council to approve and then he will send it out. Council Member Welsh made a motion there is a course online and he authorizes Mr. Valdez to use Town resources to take this course. Seconded by Mayor Robertson. Motion passed 7-0.

J. Payment Approval Report in the amount of $63,075.45.

Motion made by Mayor Robertson to pay the bills. Seconded by Council Member Brown. Motion passed 6-1 with Council Member Johnson voting nay.

K. Call to the Public: [3 min. limit] Issues within the jurisdiction of the Huachuca City Town.

Elmer Urda stated the 4th of July is coming up and he would like to have parties, dances and shade from the sun. Mr. Urda stated there will be activities for children....
(I don't know Louie!!!)

L. Adjournment

Mayor Robertson made a motion to adjourn. Seconded by Council Member Welsch.

MINUTES OF SPECIAL MEETING
HUACHUCA CITY TOWN COUNCIL
THURSDAY, APRIL 25, 2013, 6:00 P.M.

Town Hall Council Chambers - 500 N. Gonzales Blvd. - Huachuca City AZ 85616

PLEASE NOTE: Pursuant to Town Code 2-4-2 the Mayor is authorized to call a Special Meeting. This Meeting will deal with the matters to be discussed on the Regular Meeting of the same date to enable all candidates to attend the Candidate Forum scheduled for 6:30 pm .

~ AGENDA ~

A. Call to Order and Pledge of Allegiance (Meeting called to order at 6:00PM)

B. Roll Call: Roll Call conducted by Town Clerk-Administrator Louie Valdez.

Mayor Byron Robertson, Mayor Pro-Tem Pat Woodruff, Council Members Donna Johnson, Gene McCullough, Walter Welsch and Duane Brown. Council Member Wallace arrived at 6:01PM.

C. Invocation

D. Approval of Minutes for the Regular Meeting April 11, 2013.

Motion to approve minutes as presented by Mayor Robertson. Seconded by Council Member Johnson. Motion carried 6-0.

E. Unfinished Business

F. New Business

1. Discussion and/or action [Town Clerk/Administrator]: Approval of Resolution 13-003 regarding Community Development Block Grant application for FY 2013-14.

Mayor Robertson made a motion to open the item. Seconded by Council Member Brown.

Town Clerk Valdez stated the Resolution 13-003 was sent by SEAGO Representative Bonnie Williams and if it is approved the project of updating the General Plan will move forward. Mr. Valdez read the Resolution aloud.

Council Member Welsh stated in the email that was sent by the Clerk the word 'previously' was used regarding evaluating housing needs which is incorrect, and wanted to know if the word is still appropriate. Mr. Valdez stated that SEAGO advised Council that a Community Survey would need to be done to establish the threshold limit for low to moderate income households for the Town of Huachuca City and this survey

will be done with our internal resources, the local volunteer Fire Department will go door to door to conduct the survey. Mr. Valdez stated that a survey will have to be done but what has previously been done are the public hearings that were held, the discussions and the vote that took place to approve the project, and the future action of approving the Resolution. Mayor Pro-Tem Woodruff stated that the Census data could be used to determine the poverty level with Mr. Valdez stating that information is not available from the federal agency yet.

Mayor Robertson made a motion to approve Resolution 13-003. Seconded by Council Member Laura Wallace. Motion passed 7-0.

2. Discussion and/or action: [Town Clerk-Administrator]: Approval of liquor license application for Dollar General Store in Huachuca City, AZ.

Mayor Robertson made a motion to open the item. Seconded by Council Member Brown. Mayor Pro-Tem stated that it does not matter what they vote because the final determination is made by the Arizona Department of Liquor. Town Clerk Louie Valdez stated that Dollar General has been very proactive in contacting his office with their information adding they will be providing a commodity to the community and increased sales tax revenues will be a result of this. Council Member Johnson stated she would like to look at the application with Mr. Valdez excusing himself to go and retrieve the application. Chief of Police Dennis Grey stated that there is a church next to the Dollar Store and he believes that it is still being used and asked the Council to please find out before they vote. Council Member Wallace asked how far they would have to be away from a church with Chief Grey stating 1000 feet. There was discussion among Council Members. Mr. Valdez returned to the meeting with the application and advised there is no zoning regulations in Huachuca City that would prohibit Dollar General from selling alcohol stating that Circle K is closer than 1000 feet. Council Member Welsch stated if there is indeed a church there it is Council responsibility to find out if this can be done with Mr. Valdez agreeing. Council Member McCullough stated that Circle K was there before the church. Mr. Valdez stated that Council is just making a recommendation, not approving the license, the liquor board is who makes the final decision. A motion was made by Mayor Robertson to remove this item from the agenda and put it on the next Regular Meeting agenda so that more information may be gathered.

G. Payment Approval Report in the amount of $50,348.98.

Mayor Robertson made a motion to approve payment approval in the amount of $50,348.98. Council Member Welsch stated he was just given the itemized bill for theTown Attorney and would like to discuss this with Mayor Robertson stating it is not an item on the agenda and Council Member Welsch has the opportunity to put it on the next agenda. Council Member Welsch stated Ms. Ryan will not be at the next meeting. Mayor Robertson restated his motion with Council Member Welsch calling point of order and stating he believes that a vote can be taken to discuss the item. Mayor Robertson stated the item reads payment approval not discussion and/or action. Council Member Welsch stated he would like to make an appeal with Mayor Robertson telling him to put his appeal in writing. Council Member Welsch advised Mayor Robertson it can be done at the same meeting and needed to be acted upon now and to read the book. Mayor Robertson restated his motion

and called for a vote. Seconded by Mayor Pro-Tem Woodruff. Motion passed 4-3 with Council Members Johnson, McCullough and Welsch voting nay.

H. Adjournment

Motion made by Mayor Robertson. Seconded by Council Member Wallace. Mayor Robertson stated he was advised before the meeting that Council Member Welsch was going to cause a scene so that Mayor Robertson would throw him out then Mayor Robertson apologized to those in attendance for having to witness this. Motion failed 4-3 with Council Members Brown, Welsch, Johnson and McCullough.

Meeting called back to order by Mayor Robertson. Council Member Welsch asked that the rules be suspended for a few minutes so that the bill he received two days ago may be addressed. Seconded by Council Member McCullough. No vote was called by Mayor Robertson.

Town Attorney Mary Judge Ryan asked for clarification that Council Member Welsch's question is about something stated in the report with Council Member Welsch stating yes. Mayor Robertson asked if Council could see this report. No copies were provided. Council Member Welsch stated that he sees a meeting held on March 20th where himself and Council Member McCullough were denied entry and he feels it is important for Council to know the reason for that meeting and what it detailed so that payment can be approved with knowledge. Ms. Ryan stated that the meeting dealt with confidential personnel matters. Council Member Welsch asked if it was of an elected official with Ms. Ryan restating it was for confidential personnel matters. Mr. Welsch asked if in an elected situation are not the only people that can address confidential elected officials conduct the purview of the other elected officials.

Ms. Ryan stated she is not sure what the question is, however if the question is about a confidential personnel matter she would suggest that the question be asked in a confidential session, not in an open session such as this which would violate any confidentiality regarding personnel matters. Ms. Ryan stated this discussion was in reference to her bill and it is the right of the Council to move for non payment. Council Member Welsch stated that with no true information being given that the rumors around town will continue to spread as they have been over the last month with Ms. Ryan stating she has given true information. Council Member Welsch stated she will not be at the next meeting so how would they address it. Ms. Ryan stated that her last day is May 5 so she would not be at the May 9 meeting.

Motion to adjourn made by Mayor Robertson. Seconded by Council Member McCullough. Motion passed 6-1 with Council Member Welsch voting nay.

MINUTES OF REGULAR MEETING
HUACHUCA CITY TOWN COUNCIL
THURSDAY, APRIL 11, 2013, 7:00 P.M.

Town Hall Council Chambers - 500 N. Gonzales Blvd. - Huachuca City AZ 85616

~ AGENDA ~

A. Call to Order and Pledge of Allegiance at (Session Called to order at 7:00PM)

B. Roll Call: Roll Call conducted by Town Clerk-Administrator Louie Valdez.

Mayor Byron Robertson, Mayor Pro-Tem Patricia Woodruff, Council Members Donna Johnson, Gene McCullough, Laura Wallace, Walter Welsch, Duane Brown.

C. Invocation

D. Approval of Minutes

- Regular Meeting and Executive Session of March 28, 2013.
- Special Meeting of April 3, 2013

Motion to approve minutes as presented by Mayor Robertson. Seconded by Council Member Wallace. Motion passed 5-2 with Council Member McCullough and Johnson voting nay.

E. Call to the Public [3 minute limit] Agenda Items Only.

Town Council may make an open call to the public during a public meeting. Individual members of the Town Council may respond to criticism made by those who have addressed the Council, they may ask staff to review a matter or they may ask that the matter be put on a future agenda. Members of the Town Council shall not discuss or take legal action on matters raised during an open call to the public unless the matters have been properly noticed on the agenda for discussion and legal action A.R.S. 38-431.01 (G). In order to speak during Call to the Public, please specify what you wish to discuss when completing the Call to the Public form.

F. Reports by Officers

Council Member Johnson reported that she had been at the Fire Department and they have their new packs and compressor now. Council Member Johnson asked the officer for an update for the Police Department and he advised that there was a successful capture of undocumented immigrants last week.

Council Member McCullough reported Planning and Zoning had a meeting and reviewed a site plan. Building Official Larry Tysiac explained the plan is for a manufactured home on a vacant lot on Howard. Council Member McCullough stated they elected a new Planning and Zoning Chairman Terry Hows. Council Member McCullough stated that the new Chairman will need to be sworn in at the next regular meeting.

Council Member Wallace reported that Parks and Recreation had a very productive meeting they are getting a lot of ideas and there is still one available seat on the board. Council Member Wallace stated This and That is on the 4th Tuesday of the month and the next meeting will be "Its not too late for taxes" on the 26th of April at 6:00PM. Council Member Wallace added that in May they will be going with summer hours and meeting at 7:00PM and the meeting for May will be called Puzzle Logical Problems and on June 25th the meeting will be on Summer Animal Care. Council Member Wallace stated the Summer Program information will be going out next week on flyers adding there are some changes this year. Council Member Wallace explained it will be divided up into two 4 week sessions which will be June 4th through 28th and July 2nd through July 26th and the fees will be $60 per session for those kids living in the school district and $80 for those out of district. She stated lunch will be provided and they will be working on field trips. Council Member Wallace advised registration will begin next week and everyone must register at the Library. She stated the next Parks and Recreation meeting will be May 13th at 7:00PM.

Council Member Brown reported some Town expenditures.

Council Member Welsch reported that the first quarter ADEQ submissions on the chlorine and chlorinise are in and they are still awaiting parts for the east pump on the city pool. Building Official Larry Tysiac stated he would like to commend the John at the Fire Department and Jim Halterman for working with the Department of Corrections to assemble a crew to pick up all the paper trash that left the landfill during the "hurricane" and he added they are still waiting on the change order on the CDBG project. Mr. Tysiac stated the Effluent project is 95% complete he is trying to set up a meeting with Ft. Huachuca in regards to conduit for the electrical controls.

Mayor Pro-Tem Woodruff reported that Karoke will be on the 19th at 6:30PM, on Wednesday the 17th of April Workforce Development will be at the Library doing Resume Development for the upcoming job fair. Mayor Pro-Tem Woodruff stated on April 23rd and 25th the University of Arizona will be here offering 2 health classes; one is on senior nutrition and the other is on medication and drug interactions they will be held at the Library. Mayor Pro-Tem Woodruff stated times will be posted on the marquise and put out in flyers.

G. Town Clerk-Administrator's Report

Town Clerk-Administrator Louie Valdez reported video of the meetings of Mayor and Council have now been successfully loaded to the website and wanted to thank Bobby Chapman and Chris Hart for their help. Mr. Valdez stated as Council Member Johnson announced the Fire Department has received the air packs and would like to provide a demonstration of those to Council next week and if it could be arranged he would like to invite Council Members McCullough and Johnson to go on base the to the smoke room to see how those devices work noting it should be a neat experience.

H. Unfinished Business

I. New Business

1. Discussion and/or action [Council Member Welsch]: Request for reconsideration of Judicial Order CV 2013-002230 as issued by the Honorable Judge Wallace R. Hoggatt of the Cochise County Superior Court regarding the canvass of the March 12, 2013 Primary Election and direct certification of the facts requiring the recount to the Superior Court pursuant to A.R.S. §16-661 and A.R.S. §16-662.

Mayor Robertson made a motion to open the item for discussion. Seconded by Council Member Welsch.

Council Member Welsch stated he prepared his statement last week in anticipation of having a meeting on Friday, which did not happen. Council Member Welsch stated he felt it appropriate to bring it to Council and as he understands it there are two options on action that can be taken at this time because more than 5 days have passed. Council Member Welsch referred the item to Mr. Valdez for explanation of those options and to read the statement. Mr. Valdez stated from the time the Council voted to canvass the votes, the numbers, last week any candidate or the Town had 5 days to file a motion with the court to challenge or take action under the law. Mr. Valdez explained that time has passed and is no longer an option; however, subsequent to that expiration date there was a challenge filed. Mr. Valdez stated the motion, which was not filed by the Town, asked the judge to reconsider his order and a response to that motion was received requesting a copy of Chapter 2-3-4 of the Huachuca City Town Code and the Town Attorney Mary Judge Ryan responded by filing a response and sending all of Chapter 2 for the Court to consider, and no further response has been received as of yet. Mr. Valdez stated the decision could possibly be appealed to a higher court however that appeal time has already passed. Ms. Ryan stated there would be difficulty filing an appeal because election cases need to be dealt with very quickly. Mr. Valdez stated if Council wanted to appeal the decision there would be time and expense for Council to consider. Mayor Pro-Tem Woodruff asked if since there is not a response as of yet from Judge Hoggatt should the Council take any action. Ms. Ryan stated what has been filed is a motion to reconsider, under the rules a motion to reconsider does not delay any of the timelines as far as an appeal is concerned. Ms. Ryan explained what has been filed is a motion to reconsider and the court can read that motion and deny it, if the court decides to consider it and not deny it they must first request a response from the other side, which is the Town. Ms. Woodruff stated it looks like this is a motion why would they file another one with Mr. Valdez stated that the Town will wait until an answer is requested by the court. Ms. Ryan stated she thinks the court will answer this quickly. Mr. Welsch stated with the time constraints and the denial of a meeting last week the time constraints could prove to be problematic for this Council. Mr. Valdez stated there is a deadline to get the ballots printed with Ms. Ryan stating that it would take a court order to cancel the election.

Mayor Robertson clarified the reason he did not call a special meeting on Friday is because it was explained 3 times to this Council during the last meeting that if they wanted to do an appeal it needed to be done at the meeting. Mayor Robertson stated if the Council wanted to do an appeal it should have been done at the meeting last week and there was a 5-2 vote to only canvass the numbers. Mayor Robertson stated the

Council Member, who voted no on the canvass, requested a special meeting so it could be brought back to Council. Mayor Robertson clarified that the item had already been addressed and voted on and could not be brought back.

Council Member Johnson stated she thought that they would have a special meeting to discuss the court decision because they did just vote on the numbers at that meeting.

Council Member Wallace stated she wasn't under the impression there would be a special meeting at all because it was not brought up in the meeting, it was not until after the meeting that she was approached by Council Member Welsch.

Council Member McCullough stated the vote was not to take any action on the court order at all. Mr. Valdez stated he apologizes if there was any confusion at the last meeting however if any one would have made any motion at all to take action on the order it could have been done.

Council Member Welsch made a motion to have his statement read into the record. Mayor Robertson wanted it clarified that it has not been reviewed by legal. The statement reads:

April 11, 2013

The Common Council of the Town of Huachuca City asks for a reconsideration of the ruling concerning the Mayoral race in the Primary of 2013. ARS 9-821-01d states "Notwithstanding any other law or any charter provision, a city or town may by ordinance provide that at the primary election any candidate for the office of mayor or city council who receives a majority of all votes cast...shall be declared elected...the city or town by ordinance may provide that the total of all votes tabulated for the candidates for the office of mayor (or city council) constitutes the total number of votes cast at the election and shall be the basis for calculating whether a candidate for mayor or city council has received a majority of all votes cast at the election." This provides for a choice for our Town. The ruling handed down we believe is in conflict with City Ordinance 2-2-1a which reads as follows "A Mayor shall be elected by the registered Town voters by the majority vote at a Primary Election in odd numbered years or by popular vote at a General Election in odd numbered years." Section 2-2-1a Election of Mayor, Ordinance 01-002 date 3-22-01 approved by the U.S. Department of Justice on 3/09/01 and Ordinance 01-007 adopted on 6-28-01. The mayoral race was part of a combined ballot and the total number of votes for mayor would be 294 votes, 144 votes for Robertson and 150 votes for Taylor equals 294 total votes this is also supported by the percentage of votes received of 50.85%, Taylor, that was included on the first report received from Cochise County. Currently, with the change in vote count, Robertson minus one vote, over 147, 294 divided by 2 votes would be a majority, Candidate Taylor having 150 votes, 50.02%, would be declared the winner. The ruling Maxwell v. Fleming is for a charter town not an incorporated town was sited. Reading this ruling we find that the only document considered was the towns charter, we are incorporated and have codes.

Mayor Robertson reiterated this is the opinion of Council Member Welsch not the opinion of the Council. Mayor Pro-Tem Woodruff expressed concern over the first statement with Mr. Valdez stating the motion was just to have the statement read.

2. Discussion and/or action: [Town Clerk-Administrator] Community Development Block Grant Planning for Fiscal Year 2013-14.

Mayor Robertson made a motion to open the item for discussion. Seconded by Council Member Brown.

Building Official Larry Tysiac stated as per the public hearing the proposal is to use the CDBG grant for the General Plan Update. Mr. Tysiac stated this would also include circulation plans and water and wastewater master plans. Mr. Tysiac stated that new rules only allow towns one project so by doing comprehensive planning the town will get a lot for the money.

Bonnie Williams from SEAGO spoke on the publication and hearing process for the CDBG process. Ms. Williams also spoke of the funding process and stated that final amounts have not yet been determined for this year. Ms. Williams stated there might be additional verifications required about the low to moderate income status of the town.

Mr. Valdez stated he would work with the Town Attorney to draft a Resolution designating the update of the General Plan for the CDBG Project.

Motion made by Mayor Pro-Tem Woodruff. Seconded by Mayor Robertson. Motion carried 6-1, with Council Member McCullough voting nay.

3. Discussion and/or action: [Town Clerk-Administrator]: Request for direction for the advertising and selection of professional legal services for the Town of Huachuca City, Arizona.

Mayor Robertson made a motion for discussion. Second by Council Member Brown.

Mr. Valdez stated he received a letter of resignation from Town Attorney Mary Judge Ryan giving her 30-day notice as outlined in her contract. Mr. Valdez would like Council direction on how to proceed with finding new legal counsel. Ms. Ryan stated they do not have to do a formal request for proposal, however it is up to the Council.

Mayor Robertson made a motion to ask Thomas Benavidez to fill in for Ms. Ryan until a decision can be made. Council Member Johnson asked if there has to be an advertisement for an attorney because Randall Bays would be available immediately. Council Member McCullough stated the position needs to be filled immediately and needs to be advertised. Mr. Valdez stated he would like to discuss the scope of services that would be requested by the Town and gave a few examples of what the Town has recently sought legal services for. Ms. Ryan stated that over the course of her service the need for legal services has increased dramatically and she concurs with Mr. Valdez in his requesting a scope of services. Mayor Pro-Tem Woodruff asked if

Mr. Bays would have a conflict of interest as he has been counsel in lawsuits against the Town with Ms. Ryan stating no as long as it is not an ongoing law suit. Mayor Robertson suggested a work session to discuss this. Council Member McCullough stated he would like to know what Ms. Ryan has dealt with over the last 5 years because he doesn't think Council is aware of everything. Ms. Ryan stated she thinks $100,000 is a lot and would question it.

Mayor Robertson made a motion to bring in Thomas Benavidez until a workshop can be held to determine what the legal needs of the Town are. Seconded by Mayor Pro-Tem Woodruff. Council Member Johnson asked when the work session would be and would it be before May 5th with Mr. Valdez stating it would be worked on as soon as possible. Mayor Pro-Tem Woodruff stated Mr. Benavidez would need to be asked with Mayor Robertson stating that is what is being authorized.

Motion carried 5-2, with Council Members Brown and Welsch voting nay.

J. Payment Approval Report.

A motion to approve payments in the amount 90,679.80 by Mayor Robertson for payment. Motion carried 6-1 with Council Member Johnson voting nay.

K. Call to the Public: [3 min. limit] Issues within the jurisdiction of the Huachuca City Town.

Craig Smith made comments on the election. Mr. Smith has concerns over the Town Code and the provisions that only the Mayor can call special meetings, he thinks it needs to be changed. Mr. Smith stated in the future a mayor may be elected that is incompetent or a political bully and there has to be some way to override this.

Elmer Urda commented on responses by the dispatcher and the police officers when his wife fell.

L. Adjournment

Mayor Robertson made a motion to adjourn at 8:04PM. Seconded by Council Member McCullough.
Motion carried 7-0.

SPECIAL MEETING OF THE TOWN COUNCIL OF HUACHUCA CITY 4-3-13
MINUTES

A. Call to Order and Pledge of Allegiance

B. Roll Call

Present was Mayor Byron Robertson, Mayor Pro Tem Patricia Woodruff, Council Members Donna Johnson, Laura Wallace (Arrived at 7:04PM), Walter Welsch and Duane Brown.

Also present Town Attorney and Town Clerk/Administrator.

C. New Business:

1. **Discussion and/or Action [Town Clerk/Administrator]: Canvass of recount of the March 12, 2013 Primary Election and Resolution 13-05 Declaring and Adopting the Results of the Primary Election held on March 12, 2013 and directing the Town Clerk to issue Certificates of Nomination and/or Certificates of Election.**

Mayor Robertson made a motion to open the item. Seconded by Council Member Woodruff. Town Clerk Louie Valdez explained to the Council what has been placed before them is a copy of the Resolution that has been drafted by the Town Attorney and a copy of the Court Order issued by Judge Wallace Hoggatt of the Cochise County Superior Court in response to the Council's request for a recount of the which was completed on April 2nd by the Cochise County Election Division.

Mr. Valdez read from the Order which stated the names of those names to be carried forward to the General Election shall be for Mayor: Byron Robertson and Kenneth Taylor and for the office of Council Member: Brandie Bodine, Bill Stein, Laura Wallace, Mary Van Slyke, Pat Woodruff and Donna Johnson and Certificates of Nomination will be issued. Mr. Valdez stated the Court has determined that the total number of valid votes cast for Mayor was 50.85%.

Council Member Johnson stated she had been nominated on her candidate petitions in order to run for Council and was elected at the Primary Election. Council Member Johnson stated she believes this needs to be redone again with a different judge. Council Member Johnson states in the Town Code it states the one with the most votes wins and indicated that previous elections should have been called differently as well. Mayor Robertson clarified the number of votes in previous elections were counted right and as they should have been counted in the 50% plus 1 calculation went to the General Election. Mr. Valdez answered Council Member Johnson by explaining the forms that are picked up when she chose to run for re election are turned in she is placed on the ballot in the Primary

Election and then there is the Primary Election and once votes are tabulated it used to be those who get 50% plus 1 are elected at the Primary Election, however there is no longer an Ordinance stating that you are elected. Mr. Valdez stated now it is the case in the Mayoral race that if someone gets 50% plus 1 of the valid votes they may be declared elected at the Primary Election. Mr. Valdez stated however in this case there is question as to whether valid votes cast or valid ballots cast should be used to determine the 50% plus 1. Mr. Valdez stated the Council could decide to use and apply the standard in the Town Code which says majority of valid votes, which could be interpreted by Council to mean number of votes for this office that were cast or Council could interpret to use the number of valid ballots cast. Council has authority to make that decision for the office of Mayor; the Court has determined that it should be the total number of valid ballots cast that should be used in determining the calculation. Mr. Valdez explained the case sited in the Court Order. Town Attorney Mary Judge Ryan reviewed the state statute that was reviewed by the Court to base his decision in determining nobody was elected. Ms. Ryan states that the Council has to option to disagree with the Courts definition of a majority. Ms. Ryan also stated the Council may, for future elections, decide to craft an Ordinance that will allow for the majority vote at a Primary Election to decide an election, however it would not apply to this election. Council Member Johnson asked if they could have a Special Election to put this before the people with Mr. Valdez stating there could be a Special Election held to decide this, just not in time for this General Election. Council Member Woodruff asked for confirmation that it was too late to put this on the 2013 General Election ballot with Ms. Ryan stating it is. Council Member McCullough stated the Clerk and the Attorney have an obligation to follow the Court Order however the Council has an obligation to follow the Town Code which the Court Order does not follow Town Code. Town Attorney Ryan gave the Council the option of accepting the Canvass and receiving the Court Order and could even for the record state that they don't accept the Court's interpretation. Mr. Valdez stated this was brought before Council because the Council has the final say. Council Member Woodruff clarified that the Canvass can be accepted and a decision made to not follow the Court Order noting has been violated. Council Member Welsch asked for clarification on the Council issuing a statement stating that the Council does not agree with him with Ms. Ryan stating they just have to issue a statement saying they don't agree and submit it to the Court. Council Member McCullough stated it doesn't need to be done in a Council Meeting with Mayor Robertson stating maybe one of the Candidates could file it. Ms. Ryan stated the Council could issue a statement. Mayor Robertson made a motion to accept the Canvass, just the numbers. Seconded by Council Member McCullough. Motion passed 5-2 with Council Members Brown and Welsch voting nay.

D. Adjournment 7:27PM.

Mayor Robertson made a motion to adjourn. Seconded by Council Member Brown.

Submitted by Louie Valdez, Town Clerk-Administrator.

NOTICE OF REGULAR MEETING
AND
EXECUTIVE SESSION
HUACHUCA CITY TOWN COUNCIL
THURSDAY, MARCH 28, 2013, 7:00 P.M.

Town Hall Council Chambers - 500 N. Gonzales Blvd. - Huachuca City AZ 85616

~ AMENDED AGENDA ~

A. Call to Order and Pledge of Allegiance (Called to Order at 7:00PM)

B. Roll Call

C. Invocation

D. Approval of Minutes

- Regular Meeting of February 28, 2013,
- Special Meeting and Executive Session for March 7, 2013.
- Regular Meeting of March 14, 2013 (Unavailable)
  Mayor made motion to approve, seconded by McCullough.
  Minutes approved unanimously 7-0.

E. Call to the Public [3 minute limit] Agenda Items Only.

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Mrs. Norma Lavender regarding New Business, Item J-1 – Primary Election Results.

F. Reports by Officers

Council Member Donna Johnson reported that Officer Glawocki and his work taking pictures of animals available for adoption from the Huachuca City Animal Control Shelter.

Police Chief Dennis Grey provided updates on his department's activities.

Council Member McCullough advised only that there is a Planning and Zoning Commission Meeting scheduled for next week.

Individuals with disabilities who need a reasonable accommodation to attend or communicate at a town meeting, or who require this information in alternate format, may contact the Town at 456-1354 (TTY 456-1353) to make their needs known. Requests should be made as early as possible so there is sufficient time to respond

Council Member Wallace report her activities including This n' That and a meeting and the community center.

Council Member Brown reported on financial expenditures including elections and the landfill scraper. Also, infill mix for Keyline Park and retirement pension payments.

Council Member Welsch deferred to Public Works Director Larry Tysiac for the Departmental Report. He commended Jim Halterman for taking the time to show him around all the Town's infrastructure facilities.

Mr. Tysiac presented three memos updating his activities. He further advised that the drainage portion of the Skyline CDBG Project is complete. He advises the project was completed in satisfactory fashion. He also advised that the effluent project is virtually complete with the exception of the electrical work. The project should be functional by the middle of May 2013.

Mayor Pro Tem Woodruff deferred to Lisa Lewis, Library Director, to provide her report.

Mrs. Lewis reported a high level of activity in the month of March. Workforce Development from Cochise County would like to conduct a job fair at the library on April 18 or the 25th of the month which at this point is tentative. She also advised that because of the bomb threat at the school the library broke all attendance records.

Mayor Robertson reported that the Town of Huachuca City hosted this month's Mayor/Manager's Luncheon. Mrs. Jessica Floyd from Congressman barber's Office provided a presentation.

G. Town Clerk-Administrator's Report

Town Clerk-Administrator reported on the installation of new microphones that will largely remedy the sound problem of the Liberty Meeting Recordings of Mayor and Council Meetings.

Also, he reported that Mr. William Stein has formally withdrawn his name as a candidate for Council Member of Huachuca City as he has accepted a temporary assignment for six months at Bagram Air Force Base in Afghanistan.

Mr. Valdez then deferred to representatives of AFLAC.

H. Unfinished Business (None).

I. Discussion and/or action: [Town Attorney] Enter into Executive Session pursuant to A.R.S. §38-431.03(A)(3) Discussion or consultation for legal advice with the attorney or attorneys of the public body regarding certification of recount of election results.

Motion made by Mayor Robertson, Seconded by Council Member Wallace.

Time into Executive Session at 7:36PM.

Time out of Executive Session at 8:46PM

Motion to reconvene by Mayor Robertson, Seconded by Council Member Wallace.

Motion passed unanimously 7-0.

J. New Business

1. Discussion and/or action [Town Clerk/Administrator]: Receive Canvass of the March 12, 2013 Primary Election and direct certification of the facts requiring the recount to the Superior Court pursuant to A.R.S. §16-661 and A.R.S. §16-662.

   Mayor made motion to accept results and to send to Cochise County Superior Court

2. Discussion and/or action: [Mayor] Second Reading Ordinance 13-2 Grant of a Franchise to Sulphur Springs Valley Electric Cooperative, Inc., an Arizona Corporation, to Maintain and Operate the Energy transmission and Distribution System within the limits of the Town of Huachuca City.

   Motion made by Mayor Robertson, seconded by Mayor Pro Tem Wallace.

K. Payment Approval Report in the amount of $143,439.58.

Mayor made motion to pay, seconded by Council Member Brown.

Motion was approved 5 to 2 with Council Member McCullough

L. Call to the Public: [3 min. limit] Issues within the jurisdiction of the Huachuca City Town.

M. Adjournment

POSTED: Date: March 26, 2013
Time: 4:30PM
By: Louie Valdez, Town Clerk-Administrator

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MINUTES OF REGULAR MEETING
HUACHUCA CITY TOWN COUNCIL
THURSDAY, FEBRUARY 28, 2013, 7:00 P.M.
Town Hall Council Chambers - 500 N. Gonzales Blvd. - Huachuca City AZ 85616

~ AGENDA ~

A. Call to Order and Pledge of Allegiance Called to order at 7:11PM

B. Roll Call

C. Invocation Pastor Dave is not present

D. Approval of Minutes

- Regular Meeting, Thursday, February 14, 2013
- Workshop Session, Thursday, February 14, 2013
- Special Meeting and Executive Session of Monday, January 28, 2013
- Public Hearing, Thursday, January 24, 2013 Regular Meeting.

Mayor makes motion to approve, seconded by Council Member Johnson.

Council Member Johnson, on Meeting of February 14, correction to Candidate Durbin.

Motion passes unanimously.

Executive Session for January 24, 2012 Minutes.

Motion made by Mayor Robertson, seconded by Mayor Pro Tem Woodruff.

E. Call to the Public [3 minute limit] Agenda Items Only.

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Ken Taylor, Item I-7, regarding political sign issues.

Mr. Taylor spoke to the different between right of ways and easements.

He also spoke to signs being posted on properties that are unoccupied and the need to obtain prior approval to post such signs.

Item I-8, regarding silent witness program.

Mr. Taylor advises that he has had 20 signs stolen representing 10 percent of his signs.

He spoke to the amount of rewards that is applicable that should be applicable to all parties. He believe that this is criminal activity.

F. Reports by Officers

Council Member Brown was called on first by Mayor Robertson.

Council Member Brown spoke to the payment report and expenses at the Landfill, Public Works and the Fire Department.

Mayor Robertson then called on Mr. Welsch to provide his report for Public Works.

Mr. Welsch deferred to Interim Public Works Director, Mr. Larry Tysiac.

Mr. Tysiac provided his report regarding the effluent project and the location of the monuments identifying the location of the project.

Mr. Tysiac reported on conversations with representatives of Ft. Huachuca Military Reservation.

Mr. Tysiac also provided a copy of the memo he drafted regarding the proposal to relocate 12-inch and 8-inch gas lines submitted by Southwest Gas Corporation.

Mayor Robertson provided additional information regarding the costs of the project and the projected savings to the Town including the need to budget funds to relocate the gas line in the future to provide additional capacity. The estimated costs are currently approximately $200,000.00 to Huachuca City.

Mayor Pro Tem Woodruff announced the February is Love Your Library Month.

Mayor Pro Tem Woodruff also provided feedback about Reading Night sponsored by the Library. She also announced that Library Director Lisa Lewis is traveling to Chicago, IL for the Rural Library Conference.

Council Member Johnson reported on a small residential structure fire, the air tanks that are needed by the Fire Department along with repairs to vehicles and the recovery of police officers health after a difficult flu season.

Council Member Wallace provided information on This n That Activities.

Mayor Robertson reported about the opportunity to sponsor a circus in Keyline Park on April 21st. Mayor Robertson asked that this item be placed on the next agenda.

The Mayor also reported on the progress of the effluent project that is exciting and vital to the growth of the community.

Mayor Robertson asked for a moment of silence

G. Town Clerk-Administrator's Report

H. Unfinished Business – None.

I. New Business

1. Discussion and/or action [Mayor]: Ratification of votes on Council Candidates to fill vacant Council seat and ratification of appointment of Mr. Walter Welsch, qualified elector, to vacant Town of Huachuca City Council Seat.

   Mayor made motion, seconded by Council.

   Town Clerk-Administrator provided explanation regarding the item

   Mayor made motion to ratify the motion to appoint Council Member Welsch including the other two candidate who were considered.

   Motion was seconded by Council Member McCullough.

   Council Member Welsch abstained.

   Motion passed unanimously 7-0.

2. Discussion and/or action: [Town Clerk/Administrator] Second Reading Ordinance 13-02, Grant of a Franchise to Sulphur Springs Valley Electric Cooperative, Inc., an Arizona Corporation, to Maintain and Operate the Energy transmission and Distribution System within the limits of the Town of Huachuca City.

   Mayor Robertson made motion to open for discussion.

   Seconded by Council Member Wallace.

   Town Attorney Mary Judge Ryan provided copies of the corrected version of the ordinance to the Mayor and Council.

   Town Attorney Mary Judge Ryan advise that it would be advisable is to schedule time for a workshop to discuss tax matter related to the franchise.

   Mayor Robertson made a motion to schedule a workshop to discuss the matter.

   Motion seconded by Council Member Brown.

3. Discussion and/or action: [Town Clerk-Administrator]: Town of Huachuca City Quarterly Financial Report.

   Mr. Ruben Villa, Town Finance Director, provided his presentation to the Mayor and Council.

   Mayor Robertson made motion to open for discussion

   Motion passed 4-3.

4. Discussion and/or action: [Town Clerk-Administrator]: Resolution 13-01, Approving and Adopting the Updates and Revisions to Town of Huachuca City Personnel Rules and Regulations.

   Mayor pulled item and order that a workshop be scheduled.

5. Discussion and/or action: [Town Clerk-Administrator]: Pursuant to ARS 36-1473, Resolution 13-02 Designation of properties within the Town of Huachuca City as slum and blighted areas in accordance with Arizona Revised Statutes and finding that the redevelopment is necessary in the interest of public health, safety, morals or welfare of the residents of the community. This action requires a two-thirds vote of the Council.

   Mayor made motion to open for discussion.

   Seconded by Mayor Pro Tem Woodruff.

   Mayor Robertson deferred to Mayor Robertson

   Mr. Larry Tysiac, Interim Public Works Director, provided his presentation.

   Mr. Welsch made the motion to authorize staff to contact properly owners.

   Seconded by Mayor Pro Tem Welsch.

   Motion passed 6-1, Council Member McCullough voting no.

6. Discussion and/or action: [Council Member Welsch]: Hiring of Part-Time Cook (not to exceed 20 hours) for Huachuca City Senior Center Kitchen.

   Seconded by Mayor Pro Tem.

   Council Member Welsch made motion to hire a part time cook and that the Town Clerk provide supervision.

   Seconded by Mayor Robertson.

   Friendly amendment offered by Council Member Wallce to limit the appointment for six months.

Amendment was accepted by Council Member Welsch.

Town Clerk-Administrator

Council Member Brown asked that the motion be read back for clarity.

Town Attorney Mary Judge Ryan suggested language for the amendment.

Members Johnson and McCullough and Mayor Pro Tem Woodruff voted no.

Voting yes were Mayor Robertson, Council Members Brown, Welsch and Wallace.

7. Discussion and/or action: [Council Member McCullough]: Designation of dedicated locations in and around the Town of Huachuca City for the display and posting of political signs as authorized by the Huachuca City Town Council.

   No action taken.

8. Discussion and/or action: [Council Member Johnson]: Establishment and funding of Silent Witness Reward Program for information leading to the arrest and conviction of individuals responsible for the theft of Huachuca City Political Candidate signs for 2013 Primary and General Election cycles.

   No action taken.

   Mayor made the motion to open for discussion.

   The Motion was seconded by Council Member Wallace.

9. Discussion and/or action: [Town Clerk/Administrator] Request to approve registration ($300.00) and authorization for Town Clerk-Administrator Louie Valdez to travel to Arizona Municipal Clerk's Conference, June 3 -7, 2013, Arizona State University, Downtown Campus, in Phoenix, AZ.

   Mayor Robertson made motion to approve request.

   Seconded by Council Member McCullough.

J. Payment Approval Report in the amount of $84,381.12.

   Mayor made motion to approve the payment approval report.

   Seconded by Council Member Brown.

K. Call to the Public: [3 min. limit] Issues within the jurisdiction of the Huachuca City Town.

   Norma Lavender regarding the flag on airplane.

Mr. Raymond Lopez regarding who lives at 100 Arrowhead Drive in Huachuca City, AZ.

L. Adjournment

Mayor apologized for the extension of time during call to the public.

Mayor made motion

Seconded by Mayor Pro Tem.

Session adjourned at 9:26PM.

POSTED: Date: Thursday, March 28, 2013
Time: 5:28PM
By: Louie Valdez, Town Clerk-Administrator

Individuals with disabilities who need a reasonable accommodation to attend or communicate at a town meeting, or who require this information in alternate format, may contact the Town at 456-1354 (TTY 456-1353) to make their needs known. Requests should be made as early as possible so there is sufficient time to respond

MINUTES OF REGULAR MEETING
HUACHUCA CITY TOWN COUNCIL
THURSDAY, FEBRUARY 14, 2013, 7:00 PM

Town Hall Council Chambers - 500 N. Gonzales Blvd. - Huachuca City AZ 85616

~ AGENDA ~

A. Call to Order and Pledge of Allegiance: (Session Called to order at 7:04PM)

B. Roll Call: Roll Call conducted by Town Clerk-Administrator Louie Valdez.

Mayor Robertson, Mayor Pro-Tem Woodruff, Council Members Johnson, McCullough, Wallace, and Brown are all present.

C. Invocation (Chaplain Dave Carns)

D. Regular Meeting January 10, 2013, Regular Meeting and 2013 Special Meeting and January 24, 2013 Regular Meeting.

It should be noted that the agenda originally included Executive Session Minutes for January 23rd but they were not available for review at the time of the meeting and were therefore pulled from consideration.

Motion to approve minutes as presented made by Mayor Robertson.

Motion was seconded by Council Member McCullough.

Motion passed unanimously 6-0.

E. Call to the Public [3 minute limit] Agenda Items Only.

Mr. Craig Smith, Huachuca City Senior Center and malicious rumor regarding mice infestation and provided commentary regarding Mayor Pro Tem Woodruff's role.

Town Council may make an open call to the public during a public meeting. Individual members of the Town Council may respond to criticism made by those who have addressed the Council, they may ask staff to review a matter or they may ask that the matter be put on a future agenda. Members of the Town Council shall not discuss or take legal action on matters raised during an open call to the public unless the matters have been properly noticed on the agenda for discussion and legal action A.R.S. 38-431.01 (G). In order to speak during Call to the Public, please specify what you wish to discuss when completing the Call to the Public form.

F. Reports by Officers

Council Member Johnson reported the activities of the Huachuca City Dispatch Center.

She then asked Animal Control Officer Scott Allen to provide a report regarding this department.

Council Member McCullough provided his report on the P&Z Meeting on February 6th and related issues regarding code enforcement and community clean up.

Council Member Wallace apologized for the lack of Parks and Rec agenda not being posted in a timely fashion as there was a miscommunication with the Town Clerk's Office. She announced there is still one seat available for anyone interested. The This n' That Meeting is scheduled for February 26th from Healthy Families.

Council Member Brown wished everyone a Happy Valentine's Day. Mr. Brown reported on various Town Expenditures. Mayor Pro Tem Woodruff commented that some of the payments made during the preceding three week period were reimbursements.

Mayor Pro Tem Woodruff reported that February is Love Your Library Month. She also announced Literacy night is February 21st and Karaoke is tomorrow, February 15th at 6:00PM.

Mayor Robertson reported that ADEQ has notified the Town that our application for the vertical landfill expansion has been approved effectively extending the life of the landfill by approximately 28 years.

G. Town Clerk-Administrator's Report

Town Clerk-Administrator Louie Valdez reported on various topics including receipt of correspondence from ADEQ regarding the Huachuca City Landfill approving the vertical expansion, discussions with LifeNet 6 regarding a proposed helipad being constructed on the grounds of Huachuca City and the Community Clean Up scheduled for February 18 through February 28th of 2013 as part of the Town's community outreach efforts to begin focusing more on code enforcement.

Mr. Valdez also advised that the Town's auditors were at the Town Hall February 11th through the 15th. He advised that significant progress has been in that area of administration. He also reported that the Arizona State Legislature has taken up changes in the Consolidated Elections Bill that would allow local communities to decide individually whether to extend or shorten terms of office.

H. Unfinished Business

I. New Business

1. Discussion and/or action [Mayor]: Appointment of qualified elector to vacant Town of Huachuca City Council Seat.

   Mayor Robertson made a motion to open for discussion.

Motion was seconded by Council Member Gene McCullough.

Mayor Robertson indicated that each candidate will be voted on separately and that each council member can vote for more than one candidate. He advised that he made mention of this so as to avoid any confusion that may have transpired from the last session that was conducted by the Council when considering this same issue.

Council Member Johnson asked Mayor Robertson that during this session of roll call votes he begin on the opposite end of the Dias beginning with Council Member Brown instead of on her end. Mayor Robertson agreed to do so.

The first candidate to be considered was Lori Robertson.

Mayor Robertson conducted a roll call vote.

Motion Failed 5 to 1 with Mayor Robertson casting the lone YES vote.

The second candidate to be considered was Nathaniel Wisensel.

Mayor Robertson conducted a roll call vote.

Motion failed 5 to 1 with Mayor Pro Tem Woodruff casting the line YES vote.

The third candidate to be considered was Walter Welsch.

The motion to appoint Walter Welsch was approved 4 to 1.

It should be noted that Mayor Robertson did not vote on the matter as a majority of votes had already been garnered for the appointment.

After a short intermission, Town Clerk-Administrator Louie Valdez provided Mayor Robertson with a copy of the Oath of Office for Council Member-Designate Welsch.

Mayor Robertson swore in Mr. Welsch.

Newly appointed Council Member Walter Welsch then took his seat on the Dias next to Council Member Brown.

2. Discussion and/or action: [Mayor Robertson]: Naming of Town Building and/or park in honor of the late Larry Dever, Cochise County Sheriff.

Mayor Robertson made a motion to open the item for discussion.

Council Member Gene McCullough seconded the motion.

Mayor Robertson then expressed a strong interest in naming a town building or park in the name of the late Sheriff Dever in honor of his patriotic service to the entire

community of Cochise County. The Mayor specifically indicated he would like to re-name the public park behind Huachuca City Town Hall in the late Sheriff's honor.

Council Member Donna Johnson then advised that we could not do so as all the parks had been named as did Council Member McCullough.

Council Member Wallace expressed that the Council must take great care to name a Town building as the unknown or unintended consequences had to be taken into account.

Council Member McCullough advised that he had no problem naming a building after Mr. Dever but that the buildings and parts that are currently named should remain as is and that they should not be changed. Mr. McCullough advised that at the time these buildings were dedicated, the individuals who were honored held a special place for those who made the decision to dedicate the buildings and parks at the time.

The Mayor then argued that the Council was putting two sides of the coin to the test.

Mayor Pro Tem Woodruff asked about the proposed helipad that is being discussed with LifeNet 6 and asked if it was possible to name that facility after the late Sheriff.

Town Clerk-Administrator Valdez advised that the facility could certainly be named after Sheriff Dever. However, to Council Member Wallace's point, he advised that the appropriate facility should be selected to name in his honor and, since he was a public safety officer, he suggested that perhaps the police department building complex was the best available option.

Mayor Robertson then made a motion to name the proposed helipad facility in honor of Sheriff Dever.

Council Member Wallace reiterated her concerns regarding the propriety and the unintended consequences associated with this type of decision being made by the Council. She further indicated that she would like to be presented with additional options in considering this issue.

Council Member McCullough advised that he was generally in favor of making such designations in honor of public servants. However, he further indicated that he would be more amendable to doing so on behalf of those individuals who had a more direct connection to the Town of Huachuca City.

Council Member Wallace then reiterated that additional options should be developed by staff to be provided to Council for further discussion.

Mayor Robertson pulled the item from further consideration and asked that staff conduct additional research on behalf of the Council and that a presentation be made at a future meeting.

No action was taken on this item.

Motion was made by Mayor Robertson to open for discussion

3. Discussion and/or action: [Mayor]: Action from Study Session regarding Health Insurance Benefits for Town Employees and Dependents.

   Mayor Robertson made a motion to open the item for discussion.

   Motion was seconded by Laura Wallace.

   Mayor made a motion to have another workshop so as to afford the Council with sufficient time to review the materials that had been presented during the Workshop session.

   Motion was seconded by Mayor Pro Tem Woodruff.

   Motion passed unanimously 7-0.

4. Public Treasury Management Division of Wells Fargo.

   Mayor Robertson made a motion to open the item for discussion.

   Motion was seconded by Mayor Pro Tem Woodruff.

   Town Clerk-Administrator provided a brief review of the previous discussions and his recommendation regarding this item.

   Mayor Robertson made a motion to move the Town's banking services to the Public Treasury Management Division of Wells Fargo Bank.

   The motion was seconded by Mr. McCullough.

   Mr. McCullough then asked a question with regard to the fees associated with the change and opined he would like to make certain the Town pays less than what the Town is currently paying Wells Fargo.

   Mayor Robertson agreed with Mr. McCullough and accepted Mr. McCullough's suggestion as a friendly amendment to his original motion.

   The motion passed unanimously 7-0.

5. Discussion and/or action: [Town Clerk/Administrator] Second Reading Ordinance 13-Grant of a Franchise to Sulphur Springs Valley Electric Cooperative, Inc., an Arizona Corporation, to Maintain and Operate the Energy transmission and Distribution System within the limits of the Town of Huachuca City.

This item was pulled at the request of Mayor Robertson on behalf of Town Counsel Mary Judge Ryan so as to modify language in the text of the ordinance.

Council Member McCullough asked how much time is available before the second reading must be completed.

Town Clerk-Administrator Valdez indicated that the second reading must be completed in time for the text of the ordinance to be sent to the printer of the May 2013 General Election Ballot.

No action was taken on this item.

6. Discussion and/or action: [Mayor Pro Tem Woodruff]: Change Town Hall Hours to 7:00AM to 6:00PM, Monday through Thursday.

Mayor Pro Tem spoke to the survey she conducted with Arizona Cities advising that one-third of Arizona's 96 cities have already made a decision to move to this type of system. She voiced support for this change as it would expand access to patrons and save the Town money on utilities. She also suggested a 60-day trial period.

Council Member McCullough indicated he was concerned that the change was being made to favor only a few persons but Mayor Pro Tem Woodruff reassured him that was not her intention whatsoever.

Council Member Johnson expressed her opposition and concerns. She indicated that she would like to have the Town Hall remain in operation five days per week. She also indicated that many persons in the community do not get paid until Fridays which is the day they come into the office to pay their bill at the Town Hall.

Mayor Robertson expressed concerns about the Town Hall being closed on the day after Council Meetings as there was additional business to be conducted in various departments. The Mayor agreed with Council Member Johnson that access to the Town Hall should be preserved to the benefit of Town Patrons. He indicated that he would prefer to have the schedule run from Tuesday through Friday instead of Mondays so as to avoid being closed on otherwise designated state and federal holidays.

After additional concerns expressed by Council Member Johnson, Mayor Pro Tem Woodruff indicated she would accept a friendly amendment to change her original proposal to Tuesday through Friday from Monday through Thursday while preserving the same 7:00AM to 6:00PM schedule. The Mayor Pro Tem stressed that the change would only affect the Town Hall.

Mayor Robertson offered a Friendly Amendment to change the proposed schedule to Tuesday through Friday from Monday through Thursday while preserving the same 7:00AM to 6:00PM schedule.

The Mayor Pro Tem accepted the Mayor's friendly amendment.

The Mayor Pro Tem accepted the Friendly Amendment.

Town Clerk-Administrator Louie Valdez indicated that the proposed change would only affect the Town Hall and no other departments. He also spoke to available coverage of critical operations protocols are well coordinated and established.

Council Member McCullough offered that most persons in the community are out and about on Saturdays and providing hours of availability on Saturday would be of greatest convenience.

Town Clerk-Administrator Valdez indicated that the option to provide online bill pay is an available option that was not originally presented to Council due to the cost associated with the program but that it could be made available on line and that it was compatible with the Town's accounting software, Caselle. He also indicated that many patrons had asked why the Town had not made this feature available with the advent of the newly deployed Huachuca City Town Website.

The Mayor asked the Mayor Pro Tem if she would be willing to have staff conducted a customer survey to poll the desirability of the proposed changes as discussed.

The Mayor Pro Tem agreed that a survey was a good idea.

Mayor Robertson then suggested that the Council direct staff to conduct a 60 day study to determine the desirability of the change in service days and online bill pay service.

The Mayor then gaveled speakers in the audience who were out of order.

Town Clerk-Administrator Valdez then outlined the parameters of the proposed survey to be conducted.

The Mayor offered to amend his original friendly amendment to include the survey to be conducted for 60 days to include the proposed changes. Changes to be queried would include the 7:00AM to 6:00PM, Tuesday through Friday schedule, Saturday morning availability at the Town Hall and online bill pay options.

Council Member Wallace then asked what would happen if a person's water is scheduled to be turned off.

Mr. Valdez responded that shut offs would only be conducted when administrative staff is available to assist patrons.

The motion passed 6 to 1 with Council Member Donna Johnson casting the lone dissenting vote.

7. Discussion and/or action: [Town Clerk/Administrator]: Donation to Project Graduation, Tombstone Unified School District #1.

Mayor made motion to open for discussion.

Motion seconded by Council Member Wallace.

The Mayor turned the discussion over to Town Clerk-Administrator Louie Valdez.

Mr. Valdez referred the Council to their Agenda Book and the documentation provided therein.

Mr. Valdez expressed concern not with the nature of the intent of the proposed donation but with the lack of written policy governing such donations. He further indicated that this was an area of concern that had been raised by the Town's auditing firm.

Mr. McCullough indicated that he was concerned about opening up these types of donations in general and that he, too, was supportive of the program.

The Mayor expressed strong support for this request and advised that this was the reason he asked the Town Clerk to check into its propriety and legality.

Council Member McCullough indicated he was reluctant to use the Town's money on such requests.

Mayor made motion to make a donation to Project Graduation in the amount of $500.00 for this year.

Council Member Wallace asked to make a statement.

She indicated that she would like to have a scholarship for kids who attend TUSD Schools to attend Cochise College. She indicated that she was also in favor of supporting Project Graduation but that it was her desire to support programs that had a more tangible and long-lasting effect in connection with the expenditures made by the Town.

At this point, Mayor Robertson's motion was seconded by Council Member Wallace.

Council Member Welsch indicated that when these organizations are analyzed the percentages of the actual expenditures made were not focused on programmatic functions but rather on administration. He asked if any kind of financial report from this organization had ever been reviewed by the Council.

The Mayor Pro Tem indicated that none was available and that the donation was going to be used to support a non-alcoholic party for graduates of the High School.

The motion was approved 5 to 2 with Council Members McCullough and Johnson voting NO.

Council Member Welsch abstained but in accordance with Robert's Rules of Order his abstention was recorded in the affirmative.

8. Discussion and/or action: [Town Clerk/Administrator]: Huachuca City Senior Center – Update regarding Cochise County Health Inspection.

Mayor Robertson made a motion to open for discussion.

The motion was seconded by Mayor Pro Tem Woodruff.

Mayor deferred to Town Clerk-Administrator.

Town Clerk-Administrator Valdez provided his report regarding the situation at the Huachuca City Senior Center and the actions taken by staff in response to two inquiries made by members of the Town Council including the Mayor Pro Tem.

Mr. Valdez deferred to Mr. Dave Perry, President of the Huachuca City Senior Center Advisory Committee, to provide additional information regarding this matter.

Mayor addressed new Council Member Walt Welsch and engaged in a discussion regarding this situation.

Council Member Welsch provided his recollection of the events leading up to the inspection conducted by the Cochise County Health Department.

Council Member Johnson provided an explanation of the actions she took regarding this situation.

Mayor Robertson made a motion to move on from this item and to end the discussion.

There was no action was taken on this item.

J. Payment Approval Report in the amount of $.157,818.00.

Mayor Robertson made the motion to approve payment of the bills.

Council Member Duane Brown seconded the motion.

The Motion was approved 7 to 0.

K. Call to the Public: [3 min. limit] Issues within the jurisdiction of the Huachuca City Town.

Craig Smith spoke to posting of agendas not being conspicuous. He also advised that he was advised by the Huachuca City Police Department regarding the Huachuca City Senior Center. He further made a verbal public information request regarding this Huachuca City Senior Center.

Prior to the conclusion of the session, Mr. Tysiac was recognized to provide a report to Mayor and Council at the request of Town Clerk-Administrator Louie Valdez.

Mr. Tysiac provided his report regarding the Community Clean Up scheduled for February 18th through the 28th.

Mayor will sponsor item requested by Larry Tysiac regarding code compliance.

L. Adjournment

Mayor Robertson made a motion to end the meeting.

Motion was seconded by Council Member McCullough.

The motion passed unanimously 7-0.

The Council Session concluded 8:55PM

MINUTES OF WORKSHOP - HUACHUCA CITY TOWN COUNCIL

THURSDAY, FEBRUARY 14, 2013 6:00 P.M.

Town Hall Council Chambers - 500 N. Gonzales Blvd. - Huachuca City AZ 85616

~ AGENDA ~

A. Call to Order: 6:00 p.m. (Session called to order 6:10PM due to technical difficulties).

B. Roll Call – Town Clerk Louie Valdez called the roll.

Mayor Robertson, Council Members Johnson, McCullough, Wallace and Brown were present.

Mayor Pro Tem Woodruff was not present at the beginning of the Workshop but she did arrive shortly thereafter at 6:13PM and apologized to Mayor and Council for her tardiness.

1. Discussion of health insurance and employee benefits.
   a. Presentation by Mr. Leroy Unrest, Blue Cross and Blue Shield.

Mayor Robertson called on Mr. Leroy Unrest to begin his presentation and asked that the presentation be kept to approximately 15 minutes.

Mr. Unrest advised that he has handled the Huachuca City Account for the past 11 years and that he has partnered with Black Gould of Tucson, AZ, Steve Noland, agent.

Mr. Noland advised that he has worked with Mr. Unrest for the last six to seven years.

Mr. Noland referred to printed materials provided to Mayor and Council and outlined his responsibilities as follows:

First, he advised that their role was to advise Mayor and Council regarding how the Affordable Health Care Act would affect the Town.

Second, advised that it was their job to take all issues related to health insurance claims off our hands and to handle and resolve them on behalf of the Town to the best of their ability. He referred to the Employee Benefits Handout provided to Mayor and Council for their review.

The most critical part of this page is the contact numbers for Mr. Unrest and Black Gould and Associates. An additional handout that Mr. Noland referred to is the contribution strategies and comparative market analysis on behalf of the Town.

Mr. Noland advised that his firm had been in business for over 33 years and would value the opportunity to continue serving Huachuca City. He then advised he would be happy to take questions.

Mayor Robertson asked Mr. Noland if it would make any different in the premium rate paid if more employees were enrolled.

Mr. Noland advised there was no way to give a firm answer but that once a renewal date was proximate comparative analysis information would be provided for the Town to analyze and judge. He further advised that a proposal where all employees were put onto the same plan and that the rate did, in fact, go down.

Mr. Noland then advised that since the 30 hour threshold is now considered to be full-time, he would be happy once again to provide another comparative analysis.

Mayor Robertson then asked if it would be beneficial if individual plans were more pursued.

Mr. Noland responded that the rates for individual plans would increase exponentially.

Council Member McCullough asked if the currently provided information was for the current fiscal year.

Mr. Noland indicated that the numbers provided were the rates quoted and agreed to at the renewal date this past renewal date year in July of 2012.

Mr. McCullough then asked for clarification about the percentage at which the Town was paying for health insurance benefits on behalf of employees. Mr. McCullough was advised by both Mr. Noland and Mayor Robertson that the Town pays for 100% of the employee costs and 50% of dependent costs.

Mr. Noland then concluded his presentation thanking the Mayor and Council for their time and attention.

b. Presentation by Oscar Diaz, CBIZ Inc.

Mayor Robertson then called on Mr. Oscar Diaz to begin his presentation.

Mr. Diaz then advised that his firm was very similar to Black Gould and Associates.

He referred to bound marketing materials that were provided to Mayor and Council.

Mr. Diaz advised that his agency was the second largest benefits company in the State of Arizona and the largest of its kind in Southern Arizona and that it had been in business for over 35 years in Tucson.

Mr. Diaz described his agency's focus on municipalities and school districts and described how their clients are struggling to providing benefits to their employees, as well and that they are very experienced in working with organizations such as the Town of Huachuca City. He further advised that their overall goals is to offer the best possible benefits package taking into consideration a finite number to available tax dollars.

He advised that CBIZ has over 6000 employees across the country that offers many different services.

Mr. Diaz described a study that was completed on behalf of Pima County that saved a great deal of money for the organization which will empower them to become self-funded.

CBIZ also has the largest tax audit practice in Arizona. Mr. Diaz advised that the Town's current auditing firm, Heinfeld Meech and Co. is also a partner of CBIZ. He further advised that his agency has never had an audit finding made against their agency.

Mr. Diaz emphasized that CBIZ has a great deal of leverage and negotiating power which provides their clients great benefits and advantages.

Mr. Diaz also advised that Health Care Reform is one of the most important topics that are covered by their firm on a day to day basis and that CBIZ issues Health Care Bulletins quite frequently.

Mr. Diaz then advised that in Arizona his firm focuses on employee benefits.

Mr. Diaz then entertained questions.

Mayor Robertson inquired about the feasibility of self-funding for Huachuca City but Mr. Diaz advised against it with the number of employees currently on staff. Typically, employers with 50 employees or less are discouraged from doing so although his firm is a huge proponent of doing so.

Mayor Robertson then thanked Mr. Diaz for his time.

Mr. Diaz then advised he would be happy to provide references on their behalf.

Mayor Robertson then advised that the more information made available and provided to the Town, the better.

The presentation was concluded.

Mayor Robertson then proceeded to open discussion on Item Number 2 of the Workshop.

2. Interviewing of qualified electors for appointment to vacant seat on the Huachuca City Town Council.

Mayor Robertson announced that the Council had already interviewed some of the candidates who were now present at this evenings' session.

Town Clerk-Administrator Louie Valdez advised that three of the four candidates who had applied initially were once again present for interviews by the Mayor and Council reference the vacant council seat.

Mayor Robertson advised that he would like to have the Council conduct interviews of the candidates indicating that he would like to follow the order in which the applications were received.

Town Clerk-Administrator Valdez advised that the receipt of applications was as follows:

- Mrs. Lori Robertson – Mrs. Robertson advised that she had nothing to add to her initial interview comments.

- Mr. Walter Welsch – Mr. Welsch was then interviewed by Mayor and Council.

  Mr. Welsch indicated that his address was 203 Apache Street, Huachuca City, AZ. He advised that he had been asked on several occasion to apply for the vacant council seat by Town Clerk-Administrator Louie Valdez.

  Mr. Welsch announced he became involved with the Town Planning and Zoning Commission currently serving as its chairman.

  Council Member McCullough asked Mr. Welsch if he was aware that he would need to resign his seat on the Commission and possibly become that commission's liaison. Mr. Welsch replied in the affirmative.

  Council Member Welsch was then questioned by Council Member Wallace.

  Mr. Welsch indicated that he was used to working within the framework of a commonwealth as he is originally from the State of Pennsylvania. He further advised that he once had a business in Town called the Good Food Café and that he enjoys working with people.

  Mr. Welsch was then questioned by Mayor Pro Tem Woodruff regarding this length of service on the Planning and Zoning Commission.

  Council Member Brown then asked Mr. Welsch if he was prepared for the stress of the job and Mr. Welsch indicated he was prepared to handle the position and its challenge.

  Mr. Brown then inquired as to his previous experience in government.

  Mr. Welsch replied that he had served as Director and Coordinator of Ambulance Training for Allegheny County in Pittsburgh, PA. He summarized his intergovernmental experience and his work with grants and benefits coordination.

  Mayor Pro Tem Woodruff then asked an additional question about Mr. Welsch's approach regarding perceived conflicts with former business partners. Mr. Welsch indicated that if he could be objective he would contribute, if not, he would recues himself from the discussion.

  Mayor Robertson asked Mr. Welsch if he would have applied had not Town Clerk-Administrator Valdez asked him to repeatedly apply for the vacant council seat.

  Mr. Welsch replied, "Probably not".

  Mayor Robertson then asked why Mr. Welsch was willing to serve on the Council now after 12 years of residence.

Mr. Welsch replied that he had been ill for quite some time and had only recently recuperated sufficiently to the point that would allow him to take a more active role in the community.

- Mr. Daniel Wisensel – Not present.

- Mrs. Carol Durbin – Mrs. Durbin was then interviewed by Mayor and Council.

  Mrs. Durbin provided biographical and community service information to the Mayor and Council referenced in her letter.

  Council Member Johnson asked why Mrs. Durbin was applying for the vacant council seat if she was already a candidate in the March 2012 election.

  Mrs. Durbin replied that she understood she would need to withdraw from the Council race of appointed. Mrs. During also indicated there were many other available qualified candidates in the race.

  Council Member Johnson asked if she was willing to serve the balance of the available term and Mrs. Durbin said yes.

  Mrs. Durbin was then asked by Council Member Johnson how long she had lived in Huachuca City and she indicated that her and her husband had moved back in 2005 and that they were back to stay for long term.

  Council Member Wallace asked Mrs. Durbin about her professional and community experience.

  Mrs. Durbin indicated she had worked for the Camper Corral and had served as its finance and business manager of the dealership with an inventory of $1.5 Million. This gave her invaluable budgeting and finance experience. Mrs. Durbin then worked for an insurance agency in Sierra Vista then relocated to CA with her husband.

  Controlled Growth, Code Enforcement and Community Development (such as a dog park near the water tower) are among her top policy priorities as a candidate for Town Council. She also expressed that she would like to focus on securing the Town's financial position (i.e. the Town Landfill) to make certain other communities do not make fun of Huachuca City.

  Mayor Pro Tem Woodruff indicated that the Town had recently received word that the Town Landfill Expansion had been approved by ADEQ and she asked Mrs. Durbin if she was aware that the Landfill was a major source of income.
  Mrs. Durbin agreed with Mayor Pro Tem Woodruff that the continued operation of the Town Landfill was a critical element of Huachuca City's Municipal Government Operations.

  Mayor Pro Tem Woodruff then asked Mrs. Durbin about her position regarding Home Rule.

Mrs. Durbin indicated that she has not researched the matter sufficiently to discuss the matter in depth.

Council Member Brown then asked Mrs. Durbin if she could deal with the stress of the position and Mrs. Durbin said yes.

Mayor Robertson then asked Mrs. Durbin what her first priority would be and she replied that the Landfill would be the most important issue to address in terms of equipment and manpower and retention strategies regarding salary and benefits.

Mayor Robertson then asked about her availability to serve and Mrs. Durbin advised that because she is a stay-at-home Mom she has time to dedicate to the Council.

Mayor Robertson then thanked Mrs. Durbin for her interest and wished her luck in the future.

Mayor Robertson then concluded the session at 6:52:30PM.

C. Adjournment

NO ACTION WILL BE TAKEN DURING THE WORKSHOP

POSTED: As amended, Wednesday, February 13, 2013
Louie Valdez, Town Clerk-Administrator
3:06PM

MINUTES OF SPECIAL MEETING AND EXECUTIVE SESSION
HUACHUCA CITY TOWN COUNCIL
MONDAY, JANUARY 28, 2013 7:00 PM

Town Hall Council Chambers
500 N. Gonzales Blvd. - Huachuca City AZ 85616

AGENDA

A. Call to Order and Pledge of Allegiance (Called to order at 7:05PM)

B. Roll Call **Roll Call.**
Present: Byron Robertson, Pat Woodruff, Duane Brown, Donna Johnson, Gene McCullough, Laura Wallace Louie Valdez (Town Clerk-Administrator), Mary Judge Ryan (Town Attorney).

C. Approval of Minutes of January 10, 2013 Regular Meeting (Tabled)

D. Discussion and/or action: [Attorney] Enter into Executive Session pursuant to A.R.S. §38-431.03(A)(1) Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee or employee with written notice of the executive session as is appropriate but not less than twenty-four hours for the officer, appointee or employee to determine whether the discussion or consideration should occur at a public meeting.

Personnel Board Hearing was held in open session. Therefore, no Executive Session was held.

Town Clerk-Administrator Louie Valdez advised that the hearing on appeal of the termination of employment filed by Norbert Andrew Petro was to be held in open session at the request of Mr. Petro.

Mayor Robertson commenced the hearing at 7:07PM in accordance with the format provided by Town Attorney Mary Judge Ryan.

Introductions of all members of the Council and members of the audience introduced themselves were conducted at the request of Mayor Robertson.

Mayor Robertson then announced the format that would be followed by the Mayor and Council for the conduct to the hearing that had been convened (see attached instruction provided by Town Attorney Mary Ryan).

Town Counsel Mary Ryan provided additional instructions to the Mayor and Council.

Mayor Robertson then turned the hearing over to Town Clerk-Administrator Louie Valdez.

Mr. Valdez provided the Mayor and Council, who sat as the Personnel Board, with a detailed opening statement regarding the reasons for his action in terminating former Public Works – Landfill Employee Norbert Petro.

Mr. Valdez outlined three reasons for terminating Mr. Petro.

1. Actions involving Mr. Petro's actions towards fellow Public Works Employee Victor Bracamonte that included threats of physical violence.
2. A previous incident that took place in February of 2012 that also involved threats.
3. A written warning documenting the February 2012 incident by Public Works Supervisor Jim Halterman admonishing Mr. Petro for his conduct.

Mr. Valdez then explained that he issued a letter of termination to Mr. Petro. He indicated that his greatest concern was the potential for physical workplace violence to manifest itself and the pattern of behavior exhibited by Mr. Petro. Mr. Valdez emphasized that it was his desire to avert at all possible costs any incident of workplace violence in the Public Works Department.

Mayor Robertson then indicated that Mr. Larry Tysiac, Interim Public Works Director, was not available to provide testimony but that all other interested parties were available for questioning and cross-examination.

The first witness on behalf of the Town was Mr. Victor Bracamonte, Public Works – Landfill Heavy Equipment Operator. Mr. Bracamonte was sworn in and provided testimony in accordance with the process outlined by Town Attorney Mary Judge Ryan.

Mr. Bracamonte responded to a series of questions by Mr. Valdez, Town Clerk-Administrator, under direct examination that included descriptions of the nature of his relationship with Mr. Petro, the nexus of the conflict that manifested itself between him and Mr. Petro and a detailed description of the events of the day of the incident in question.

These included conversations with Mr. Petro, the language used during the threats he made to Mr. Bracamonte and the threats issued by Mr. Petro's wife that were made via the Town's mobile telephone issued to Mr. Petro. Mr. Bracamonte also described his concern for his personal safety and the ensuing conversations with Interim Public Works Director Larry Tysiac and Public Works Supervisor Jim Halterman.

There were no questions from any members of the Personnel Board.

Upon the completion of his testimony, Mr. Bracamonte was excused.

The next witness who was sworn in and whose testimony was heard by the Personnel Board was Mr. Bo Fridinger, Public Works Employee and former Landfill Operator.

Mr. Fridinger discussed his role and length of service with Huachuca City.

Mr. Fridinger responded to a series of questions by Mr. Valdez, Town Clerk-Administrator, under direct examination that included descriptions of the nature of his relationship with Mr. Petro, the nexus of a previous conflict that manifested itself between him and Mr. Petro in February of 2012 and a description of several additional workplace disagreements that materialized over the course of his assignment at the Huachuca City Landfill that resulted in his registering his concerns with his direct supervisor, Jim Halterman.

Mr. Fridinger also described a confrontation that he had with Mr. Bracamonte that also resulted in verbal threats being issued but that this situation was a workplace disagreement that had been resolved amicably after further discussion by Mr. Fridinger and Mr. Bracamonte.

Mr. Fridinger was then questioned by Mayor Byron Robertson regarding the incident in question.

Mayor Robertson asked Mr. Fridinger asked a question clarifying the nature of his relationship with Mr. Bracamonte and the incident that Mr. Fridinger indicated had lead to verbal threats being exchanged between himself and Mr. Bracamonte. Mr. Fridinger indicated that he had not felt he was in any danger and that the situation had been resolved satisfactorily.

Upon completion of his testimony, Mr. Fridinger was excused.

The next witness who was sworn in and whose testimony was heard by the Personnel Board was Mr. Kyle Arnett, Public Works Employee and former Landfill Operator.

Mr. Arnett responded to a series of questions by Mr. Valdez, Town Clerk-Administrator, under direct examination that included descriptions of the nature of his relationship with Mr. Petro, the nexus of previous workplace disagreements that manifested themselves between him and Mr. Petro regarding Mr. Petro's smoking cigarettes while on the job and a description of other minor workplace disagreements that materialized over the course of his assignment at the Huachuca City Landfill.

Mr. Arnett also recalled the details of the incident in question as he was present when these events took place. Mr. Arnett testified specifically that Mr. Petro had made references to Mr. Bracamonte's mother and his "lack of education".

Mayor Robertson then asked Mr. Arnett questions regarding the personnel who were present during the incident, the nature of the duties for which Mr. Petro was responsible and his subsequent training.

There were no additional questions from any members of the Personnel Board.

Upon completion of his testimony, Mr. Arnett was excused.

Town Clerk-Administrator Valdez then advised that he had concluded his direct examination of witnesses.

Mayor Robertson then called Mr. Norbert Petro to the podium. Mayor Robertson advised Mr. Petro that he would now be afforded the opportunity to provide direct testimony, call witnesses to provide testimony and information to the Council and he could present any written information to the Personnel Board for their consideration at that time.

Mr. Petro then began his opening statement by asking the Personnel Board if they had read the report he had submitted. The Mayor and Council responded collectively in the affirmative.

Mr. Petro indicated that if the Personnel Board would read the report they would be able to determine the exact nature and circumstances of the threats that had allegedly been directed to him by Mr. Victor Bracamonte during a meeting that was held with Mr. Petro with Mr. Valdez.

Mr. Petro unequivocally denied that he made any type of threats to Mr. Bracamonte and he also indicated that Mr. Fridinger had also threatened him.

Mr. Petro asked the Personnel Board if they needed time to read the report to which Mayor Robertson indicated was not necessary.

Mr. Petro then said that we wished that Mr. Valdez would ask him some questions as it was Mr. Petro's impression that Mr. Bracamonte had "stretched the truth". Mr. Petro then began to ask Mr. Valdez questions regarding the meeting that took place between him and Mr. Petro.

Mr. Valdez then asked Mr. Petro if he was calling him as a witness, in which case, Mr. Valdez indicated, he would need to be sworn in before providing testimony to the Personnel Board.

At this point, Town Attorney Mary Judge Ryan swore Mr. Valdez in.

Mr. Petro then asked Mr. Valdez if he had apologized on behalf of the Town. At this point, Mr. Valdez then provided a detailed account of his version of the events surrounding Mr. Petro's termination.

Mr. Petro then began to provide direct testimony contrary to Mr. Valdez's testimony at which point Mr. Valdez indicated that he disagreed with Mr. Petro's testimony. A series of exchanges then took place between Mr. Valdez with contravening discussions of the events that took place.

The Mayor then interjected and advised Mr. Petro that the question before the Personnel Board concerned his particular actions and not those that may have involved other employees or other situations.

Once again, Mayor Robertson then advised Mr. Petro that he was free to call any person as a witness to support his case.

Mr. Petro then called Kyle Arnett as a witness.

Mr. Valdez then reminded Mr. Arnett that he was still under oath.

Mr. Petro then asked Mr. Arnett for his recollection of the meeting that took place between himself, Mr. Arnett and Mr. Bracamonte. Mr. Arnett indicated that he did not recall.

Mr. Arnett was not asked any additional questions by the Personnel Board.

Mr. Arnett was then dismissed.

Mr. Petro then began to provide direct testimony directly to the Personnel Board about the untruthful nature of the testimony of the witness that was presented by Mr. Valdez.

Mayor Robertson then directed comments directly to Mr. Petro about his grievances and that, on at least three occasions, Mayor Robertson advised Mr. Petro he would be more than happy to speak with him about his complaints but that he could only do so if Mr. Petro elected not to continue with the grievance process as the Mayor would head the Personnel Board to hear any testimony related to his case. Further, the Mayor stated that at no time did Mr. Petro approach him to complain he was being threatened by any employee of the Town.

Mr. Petro then provided additional testimony to the Mayor and Council and indicated that in addition to being threatened by Mr. Bracamonte, he had also been threatened by Mr. Valdez and that all additional information was in his written report.

Mayor Robertson then asked Mr. Petro if he and/or his wife had ever threatened Mr. Bracamonte.

Mr. Petro responded that he called Mr. Bracamonte and that he told him he would meet him outside the gate on Monday afternoon. Mr. Petro then provided additional information about conversations he had with Mr. Bracamonte and how he initially tried to help Mr. Bracamonte.

Council Member Johnson then asked Mr. Petro why he would want his job back knowing that he was unable to get along with his former co-workers.

Mr. Petro then advised that he needs his job back and he does not have any problems with any of his former co-workers. He further advised that he did not do anything wrong.

Mayor Robertson then asked Mr. Petro about the restraining order he was going to obtain against Mr. Bracamonte. Mr. Petro advised he simply did not follow through with obtaining the restraining order. The Mayor asked Mr. Petro if he asked so threatened by Mr. Bracamonte why did he not follow through. Mr. Petro advised that he was able to work with any of the persons at the landfill with the exception of Mr. Bracamonte.

Mayor Robertson then asked Mr. Petro whether or not he verbally challenged Mr. Bracamonte to a physical confrontation. Mr. Petro said it was his intention to meet Mr. Bracamonte with a police officer.

Mayor Robertson then asked if his wife had used Mr. Petro's Town-issued telephone to threaten Mr. Bracamonte. Mr. Petro indicated that his wife was upset and that, in fact, she had yelled at Mr. Bracamonte but had not made any threats.

Mr. Petro then advised that he and Mr. Bracamonte had, indeed, worked out their differences for a while but that their work relationship had deteriorated again on that Saturday that the incident took place.

At the conclusion of the questioning Mayor Robertson made a motion to uphold the decision of the Town Clerk-Administrator to terminate Norbert Petro.

Council Member Johnson then asked Mr. Petro why he had not discussed his concerns with Interim Public Works Director Larry Tysiac.

Mr. Petro then advise that he had, in fact, contacted Mr. Tysiac several times to discuss this issue but that he had been told to discuss the issue with his direct supervisor, Jim Halterman, and Town Clerk-Administrator Louie Valdez.

Town Clerk-Administrator Valdez then addressed the Council and re-stated that his response to the situation regarding Mr. Petro was made in good faith and that his primary concern was to eliminate any possibility of a workplace violence incident taking place.

Mr. Petro then indicated he felt humiliated when Mr. Valdez told him and Mr. Bracamonte to work it out. Otherwise, Mr. Valdez said to Mr. Petro, both employees would be written up. Mr. Petro said that this comment by Mr. Valdez made him feel, "like a dog". Mr. Petro indicated that he felt he had been hung out to dry.

Mr. Valdez and Mr. Petro then engaged in an exchange of testimony in the recollection of the events that took place.

The Mayor then asked Mr. Petro if he had any more evidence to present.

Mr. Petro then called his wife, Valerie Petro, as a witness.

Mrs. Petro then recounted for the Personnel Board that it was her recollection that the events that took place involving her husband and Mr. Petro revolved around testimony provided by Mr. Bo Fridinger. Mrs. Petro indicated that Huachuca City Fire Chief Jon Allmon could attest to the truthfulness of Mr. Petro's testimony.

Mrs. Petro indicated that Mr. Allmon had admitted to her that the pit in the landfill had been flooded specifically to make it difficult for Mr. Petro to exit the landfill pit.

The Mayor then admonished Mrs. Petro against raising her voice and Mrs. Petro apologized indicating that it was in her nature to do so. Mrs. Petro then provided hearsay testimony regarding her husband's recollection regarding why Mr. Bracamonte began to harass Mr. Petro. Mrs. Petro then admitted that she did, in fact, speak with Mr. Bracamonte on Mr. Petro's Town-issued telephone and had told Mr. Bracamonte had done wrong.

Mrs. Petro then testified to the strength of character and veracity of Mr. Petro's testimony. Mr. Petro then interjected and indicated that Mr. Fridinger was being untruthful about his testimony.

Council Member Wallace then indicated that if Mr. Petro was as certain as to Mr. Allmon's testimony then they should have made certain Mr. Allmon would be available.

Once again, Mayor Robertson stated that the hearing was to focus on the matter at hand and not any incident that may have taken place in the past.

Town Clerk-Administrator Valdez then re-asserted his findings about a clear and consistent pattern of misconduct by Mr. Petro.

Mayor Robertson then indicated that if Mr. Fridinger was to be judged for what he had allegedly done then so would Mr. Petro. The Mayor then indicated that he personally posted a sign prohibiting smoking when he was a public works employee in 2006.

There were additional discussions held between the Mayor, Mr. Petro and Mrs. Petro about the sequence of events of the day in question.

Mayor Pro-Tem Woodruff then asked Mrs. Petro a series of questions that established Mrs. Petro's testimony as hearsay. Mrs. Petro agreed with the Mayor Pro-Tem's assessment of the testimony provided.

Mr. Petro then raised a series of questions along with his wife.

Mayor Robertson then ended the testimony by Mr. Petro and his wife.

Town Attorney Mary Judge Ryan provided a clear explanation of the question at hand regarding the testimony and the role of the Council in making a decision regarding the appeal.

Mayor Robertson then made a motion to uphold the decision of Town Clerk-Administrator to uphold the termination of Mr. Norbert Petro.

The motion was seconded by Council Member Donna Johnson.

A roll call vote was called by Mayor Robertson.

Council Member Johnson voted yes.

Council Member McCullough voted yes.

Council Member Wallace voted yes.

Council Member Brown voted yes.

Mayor Pro-Tem Woodruff voted yes.

Mayor Robertson voted yes.

Yes votes were 6, no votes were 0.

The Town Clerk-Administrator's decision to terminated Mr. Norbert Petro ruling was upheld unanimously 6-0.

A recess was ordered by Mayor Robertson at 8:22PM without objection.

The session was re-convened at 8:30PM.

E. New Business:

1. Discussion and/or action: [Mayor] Action, if any, from the executive session.

   No action was taken on this item.

2. Discussion and/or action: [Mayor]:Covering all Huachuca City employee's Health and Dental Benefits at 100%.

   At the request of Council Member Brown, this item was placed on the agenda for discussion.

   Mayor Robertson made the motion to open for discussion.

   The motion was seconded by Council Member Wallace.

   Mayor Robertson then turned the discussion over to Town Clerk-Administrator Valdez

   Town Clerk-Administrator Valdez provided his presentation to the Mayor and Council as previously directed.

   Mr. Valdez advised that there were two main issues for the Council to consider.

   First, in order to cover 27 Town employees for the rest of the fiscal year 2012-13, the cost would be approximately $34,000.00. That cost would cover all 27 full-time employees.

Additional employees would not be able to sign up until open enrollment that begins in July. Part time employees are not eligible for benefits at this time.

This consideration must also include an impending increase in premiums and the implementation of the Affordable Health Care Act. For the new fiscal year 2013-14, the additional cost would be approximately $153,000.00 not including the projected increase which would represent a total increased cost of approximately $330,000.00.

Mr. Valdez also indicated that there is a public employee exception which would allow the Council to create a class of special employees for the Huachuca City Police Department as proposed by Council Member Brown. This option was confirmed by Town Counsel Mary Judge Ryan but she clarified that it was available to public service employees and not just law enforcement personnel.

Mayor Pro Tem Woodruff indicated there were two issues to be considered in her view.

First, she indicated that if the police department was covered at 100%, then the rest of the employees deserve the same consideration. Secondly, the Mayor Pro Tem indicated that some employees did not have dependents which would create inequity among those employees.

The Town Clerk-Administrator cited three concerns including a decrease in state-shared revenue and the historical downward trend, the uncertainty of the expenditure limitation that is on the May 2013 ballot and the potential increase in health insurance premiums.

Council Member Wallace spoke to the issue of having additional options available so as to make the decision easier. Additionally, she spoke of considering the possibility of having all employees covered at 100% which the Town Clerk advised was already the case. Council Member Wallace indicated she was very impressed with the coverage and that she had never seen another company provide the same level of coverage as the Town.

Town Clerk-Administrator Valdez advised that if the Council were to consider the increase of dependent coverage then consideration to foregoing cost of living increases would need to be given serious consideration.

Council Member McCullough advised that he was not willing to engage in deficit spending and that he was also very cognizant of the decrease in state-shared revenue.

Mayor Robertson advised that even if the Council were to vote on this same evening to cover dependents at 100%, that change would not take effect until the open enrollment period. $3.30 per hours benefit would be the increase seen in officer's paychecks.

Council Member Brown advised that he was still of the opinion that the Huachuca City Police Department should be of priority and that, in the past, the police department had foregone many raises as long as 15 years ago. This comment was confirmed by HC Police Chief Dennis Grey.

Mayor Robertson then made a motion to direct the Town Clerk-Administrator to prepare a Workshop for the Council to discuss this issue in greater depth and detail.

Mayor Pro Tem Woodruff seconded the motion.

3. Discussion and/or action [Town Clerk-Administrator]: Town Clerk-Administrator's Work Schedule.

Mayor Robertson made the motion to open for discussion.

Council Member Brown seconded the motion for discussion.

Mayor Robertson asked Mr. Valdez if he had anything to add to his request in addition to what he had discussed with the Council last week. Mr. Valdez indicated only that it was his desire to work one day per week off site to focus on administrative matters.

Council Member McCullough was concerned only that while the cat is away the mice will play. He advised that if the Town needed for the Town Clerk to be available on a scheduled Wednesday away from the office, he should be willing to do so.

Mayor Robertson made the motion to approve the Town Clerk-Administrator's request for a period of six months at which point it would be re-evaluated by the Mayor and Council.

Council Member Gene McCullough seconded the motion.

The motion passed unanimously 6-0.

4. Discussion and/or action [Mayor]: Creation of part-time Grants Administrator position.

Mayor Robertson made the motion to open for discussion.

Mayor Pro Tem seconded the motion.

Mayor Robertson advised that the Town has the opportunity to hire a grant write/administrator on a part-time contact basis and that he feel the creation of this position would be of great benefit to the Town. The Mayor expressed that he was aware of many opportunities that the Town currently was not taking advantage of and that he would like to centralize the administrative function of a grant writer/administrator into one position that would report directly to the Town Clerk-Administrator.

Library Director Lisa Lewis indicated that the trend in hiring a grant writer/administrator was moving away from writing in administrative costs to grant applications as it was deemed to be unethical.

Mayor Robertson made a motion to hire a part time Grant Writer/Administrator on a contract basis.

Mayor Pro Tem Woodruff seconded the motion.

The motion passed unanimously 6-0.

F. Adjournment

The meeting was adjourned at 9:32PM by Mayor Robertson.

Completed on Wednesday, February 13, 2013 at 6:19PM by Louie Valdez, Town Clerk-Administrator.

Individuals with disabilities who need a reasonable accommodation to attend or communicate at a town meeting, or who require this information in alternate format, may contact the Town at 456-1354 (TTY 456-1353) to make their needs known. Requests should be made as early as possible so there is sufficient time to respond

MINUTES OF
REGULAR MEETING
AND
EXECUTIVE SESSION
HUACHUCA CITY TOWN COUNCIL
THURSDAY, JANUARY 24, 2013, 7:00 P.M.

Town Hall Council Chambers - 500 N. Gonzales Blvd. - Huachuca City AZ 85616

~ AGENDA ~

A. Call to Order and Pledge of Allegiance (Session called to order at 7:02PM)

B. Roll Call **Roll Call.**

C. **Present:** Byron Robertson, Pat Woodruff, Duane Brown, Donna Johnson, Gene McCullough, Laura Wallace, Louie Valdez, Mary Judge Ryan.

D. Invocation (by Pastor Dave Carnes)

E. Approval of Minutes of December 20, 2012, Regular Meeting, December 27, 2012, Meeting January 10, 2013 Regular Meeting and Executive Session

Motion to approve made by Council Member Wallace, Seconded by Mayor Robertson.

Motion passed unanimously.

F. Call to the Public [3 minute limit] Agenda Items Only. (No requests were received).

Town Council may make an open call to the public during a public meeting. Individual members of the Town Council may respond to criticism made by those who have addressed the Council, they may ask staff to review a matter or they may ask that the matter be put on a future agenda. Members of the Town Council shall not discuss or take legal action on matters raised during an open call to the public unless the matters have been properly noticed on the agenda for discussion and legal action A.R.S. 38-431.01 (G). In order to speak during Call to the Public, please specify what you wish to discuss when completing the Call to the Public form.

G. Reports by Officers

Council Member Johnson provided a statistical report furnished by Lt. Jennifer Fuller showing number of calls received for service.

Police Chief Dennis Grey advised that the police department recovered a stolen U-Haul Van, confiscated $11,000.00 in suspected drug money, there was one unattended death and there has been a marked increased in illegal alien activity.

Scott from animal control advised there is a wild Javalina roaming around 2nd Street in Upper Huachuca City. He advised that all garbage containers should be secured and that pets should also be protected.

He further reported that animal control volunteers, Peace for Paws, are showing up on a regular basis and have been quite helpful.

A warning citation was issued for dog at large and work shifts are going to be staggered to allow for nighttime patrols to address an increase in dogs at large.

Scott also advised that Peace for Paws is always accepting additional volunteers in response to an inquire from Council Member Gene McCullough.

Council Member McCullough has no report as there was no meeting.

Council Member Wallace advised that the Parks and Recreation Committee held their meeting and discussed Disabled American Veterans Services and Programs. She advised she has a contact telephone number for the DAV representative on Ft. Huachcua.

February 11th is the next meeting of the committee in the Council Chambers.

Council Member Brown advises that Court Revenues are about $4800.00. He also advised that maintenance costs for the landfill are over $10,000.00. Additional expenses were also reported to include the fees for Interim Public Works Director Larry Tysiac and Legal Counsel Mary Judge Ryan. Electric bill is $11,000.00.

Mayor Pro Tem Woodruff advises that she attended the Change of Command Ceremony on Ft. Huachuca. Lisa Lewis was then deferred to for the library report.

21 new patrons were added December 2012 now totaling 2100 library cards. 1500 items were circulated in the month of December. The new Nook Color Tablets have now been deployed.

In March, Lisa will attend training in Chicaco, IL completed paid for by the Gates Foundation at no cost to the Town. All costs will be reimbursed at 100%.

The Mayor Pro Tem then resumed her report and advised that karaoke was also held and was very successful.

Mayor Robertson referred to the 2012 Year in Review that is to be posted on the Town's Website to provide all residents with a picture of the direction of the Town. A task list schedule has also been developed and will also be posted on the Town website. Also,

photos showing the progress of the Town's effluent project and discussed additional operational parameters regarding the use of water capacity by the new facility.

H. Town Clerk-Administrator's Report

I. Unfinished Business (None)

J. Discussion and/or action: [Town Attorney] Enter into Executive Session pursuant to A.R.S. §38-431.03(A)(3) Discussion or consultation for legal advice with the attorney or attorneys of the public body regarding complaints filed with the Arizona Attorney General's Office.

Motion: Motion to Enter into Executive Session, Approved unanimously. , **Action:** Enter Closed Session, **Moved by** Byron Robertson, **Seconded by** Pat Woodruff. Motion passed unanimously. Council moved into executive session at 7:25PM.

After executive session that concluded at 7:40, a short break was taken and the Regular Session resumed at 7:43PM.

Mayor Robertson made a motion to reconvene, seconded by Council Member Johnson, motion passed unanimously.

Mayor Robertson advised that Council Member Johnson would like to make an addition to her report. The Mayor ruled that this amendment would be allowed.

Council Member Johnson recognized that family members of two police officers had passed away and they were away on bereavement. Council Member Johnson advised that the Police Department did an excellent job of covering all shifts.

Mayor Robertson added that he would like to thank Police Chief Dennis Grey for cancelling his vacation and stepping up for the good of the Town.

K. New Business

1. Discussion and/or action: [Mayor] Appointment to fill the vacancy of on the Town Council for the remainder of the Term served by Council Member Ken Taylor.

   Mayor Robertson made a motion to open this item for discussion, seconded by Council Member Brown.

   Mayor Robertson advised that the Council interviewed five candidates for the vacant council seat. He added that the interviews were extensive and in-depth.

   Mayor Robertson then announced that he would now take up the order of candidates consideration in the same order in which they were interviewed the evening before.

   Council Member Wallace asked what the process for considering each candidate.

Town Attorney Mary Judge Ryan advised that motion needs to be made by a member of the Council and seconded.

Mayor Robertson made a motion to appoint Perry, seconded by Wallace.

Roll Call 3 to 3, motion did not carry

Next motion was to appoint Laurie Robertson, seconded by McCullough.

Roll call was 5 to 1 against, motion did not carry.

Next motion was to appoint Carol Vaughn, seconded by Brown.

Roll call was 5 to 1, motion did not carry.

Next motion was to appoint Nathaniel Wiesensel, seconded by Woodruff.

Roll Call 4 to 2, motion did not carry.

Next motion was to appoint Norma Lavender, seconded by Brown.

Roll Call, 4 to 2, motion did not carry.

No candidate was appointed. Mayor Robertson advised that the position would be re-opened. He further advised that the vacancy must be filled by appointment of the Council and could not be filled at the next general election.

Staff was directed to advertise the vacancy on the Town Marquee and on the Town Website.

Council Member McCullough commented that usually the Mayor breaks tie votes. However, Town Attorney Mary Judge Ryan advises that under state law the Mayor may vote as a member of the common council.

2. Discussion and/or action: [Town Clerk/Administrator] First Reading Ordinance 13-2 Grant of a Franchise to Sulphur Springs Valley Electric Cooperative, Inc., an Arizona Corporation, to Maintain and Operate the Energy transmission and Distribution System within the limits of the Town of Huachuca City.

   The item was postponed to re-title the document from Resolution to Ordinance.

3. Discussion and/or action: [Town Clerk/Administrator: Second Reading of Ordinance 13-1 amending Ordinance 96-001 Increasing the pay rate for Public Defenders to $100.00 per hour. This rate has not increased in at least 15 years making it difficult to hire appropriate counsel for some of our indigent clients.

Mayor open discussion, seconded by Brown .

Mayor Robertson made a motion to approve the second reading of the ordinance, seconded by Mayor Pro Tem Woodruff.

Mayor Robertson made motion to approve, seconded by Mayor Pro Tem Woodrull.

Motion passed 5 to 1, Council Member McCullough voting no.

4. Discussion and/or action: [Town Clerk/Administrator] CDBG Contract change order for the Skyline Draining Project.

   Mayor Robertson made a motion to accept, Brown seconded.

   Motion passed 5 to 1, Council Member McCullough voting no.

5. Discussion and/or action:[Mayor Pro Tem Woodruff] National Incident Management Systems (NIMS) training for Town of Huachuca City.

   Mayor Robertson made motion to open to discussion, seconded by Council Member Brown.

   Mayor Pro Tem Woodruff asked Police Chief Dennis Grey to speak to this issue. The Chief deferred to Captain Galowocki. He further explained that many state and federal grants require compliance with NIMS as a condition of eligibility.

   The Mayor Pro Tem asked for further explanation.

   Mayor Robertson made a motion to direct the Town Clerk-Administrator to enroll all Town staff to complete all required NIMS training and to enroll council member to meet minimum standards. Seconded by Council Member Johnson.

   Captain provided explanation of how courses are set for to meet compliance standards.

   Motion passed unanimously.

6. Discussion only: [Mayor] Presentation by Justin Haymore on investment strategies for the Town of Huachuca City. (Pulled at the request of Town Clerk-Administrator, Mr. Haymore is unable to attend as he is ill with the flu. Mayor pulled item from agenda.

7. Discussion and/or action: [Council Member Brown]: Covering all Huachuca City Police Officers Health and Dental Benefits at 100%.

   Mayor made motion to open for discussion, seconded by Mayor Pro Tem Woodruff.

Council Member Brown provided an explanation why he proposed this item including the nature of the dangerous work in which they engage. He also provided the costs of enacting this measure.

Motion passed 4 to 2, Brown and McCullough voting no.

8. Discussion and/or action [Town Clerk-Administrator]: Purchase of mobile radio packages for Huachuca City Police Department with Operation Stone Garden Funds via Arizona State Procurement Contract ADSP013-036881.

   Mayor made motion to open for discussion, seconded by Brown.

   Mayor made motion to approve, seconded by Mayor Pro Tem Woodruff.

   Motion passed unanimously.

9. Discussion and/or action: [Mayor] Organizing and scheduling of Town sponsored Candidate Forums for offices of Mayor and Town Council.

   Mayor made motion to open for discussion, seconded by Johnson.

   Mayor provided explanation regarding his reason for placing this item on the agenda.

   Mayor provided background as to the previous questionable use of Town facilities.

   Mayor made motion to organize scheduling of Town-sponsored candidate forum, seconded Mayor Pro Tem Woodruff.

   Council Member Wallace asked Town Attorney Mary Judge Ryan if the item was appropriate regarding the use of Town facilities.

   Council Member McCullough objected as did Council Member Johnson.

   Motion passes four to two, Brown and McCullough

10. Discussion and/or action: [Town Clerk/Administrator]: Update on audit, role of consulting finance director.

11. Discussion and/or action:[Town Clerk/Administrator]: Request for leave taken in January 2013 to be designated as paid sick leave.

    Mayor, Brown

    Mayor Robertson made motion to pay Town Clerk-Administrator sick leave for period of time he was absent, Brown seconded.

Motion passed unanimously.

12. Discussion and/or action: [Town Clerk/Administrator] Proposed personnel changes including:

    i. Allocation of funds for the creation of a Front Desk Receptionist.
    ii. Reclassifying the previously created Admin/Executive Assistant position to Assistant to the Town Clerk.

Mayor makes motion to amend title to Administrative Assistant, seconded by McCullough.

Motion passed 5 to 1, Johnson voting no.

Discussion and/or action: [Town Clerk/Administrator] First Reading Ordinance 13-2 Grant of a Franchise to Sulphur Springs Valley Electric Cooperative, Inc., an Arizona Corporation, to Maintain and Operate the Energy transmission and Distribution System within the limits of the Town of Huachuca City.

This is the previous item number two that was postponed.

L. Payment Approval Report in the amount of $142,364.94.

M. Call to the Public: [3 min. limit] Issues within the jurisdiction of the Huachuca City Town.

N. Adjournment (9:00PM).

POSTED: Date:
Time:
By:

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Minutes Passed and Adopted this 14th Day of February, 2013.

Approved by Mayor Robertson on the 14th Day of February, 2013.

Mayor Byron Robertson

I hereby certify that the foregoing is a true and correct copy of the Minutes of the Regular Meeting and Executive Session of the Town of Huachuca City held on January 24, 2013. I further certify that the meeting was duly called, and a quorum was present.

Louie Valdez, Town Clerk-Administrator

MINUTES OF PUBLIC HEARING - HUACHUCA CITY TOWN COUNCIL

THURSDAY, JANUARY 24, 2013, 6:30 P.M.

Town Hall Council Chambers - 500 N. Gonzales Blvd. - Huachuca City AZ 85616

~ AGENDA ~

A. Call to Order: 6:30 p.m.

B. Roll Call

Mayor Robertson, Mayor Pro Tem Woodruff, Council Members McCullough, Wallace and Johnson were all present.

Mayor and Council were advised that this was the second of two public hearings required under Arizona Law to provide the community an opportunity to speak of their support or opposition to the proposed extension of the Home Rule Question known more formally as the expenditure limitation.

Town Clerk-Administrator Louie Valdez spoke about the different thresholds available to the Town in the up-coming four fiscal years. He further clarified that simply because the Town has expenditure capacity does not mean the Town is required to spend at the maximum level.

Mayor Pro Tem Woodruff asked Mr. Valdez to explain the potential impact of not having the expenditure limitation approved by the voters at the polls in May of 2013.

Town Clerk-Administrator Valdez indicated that the potential for massive cuts in personnel and services was high if the expenditure limitation was not approved. For example, there would most certainly be reductions in non-essential service such as recreation, the public library and potentially senior center programs.

Mayor Robertson then asked if any members of the public would like the opportunity to speak to this issue.

No members of the public spoke in favor or against the expenditure limitation.

Community Development Block Grant Public Hearing

Mayor Robertson then moved the discussion to the second item on the agenda regarding the CDBG funding for FY 2013-14.

Town Clerk-Administrator Louie Valdez advised Mayor and Council that it was staff's recommendation to use CDBG funds for several planning projects that were pending.

Specifically, Mr. Valdez outlined three major CDBG Planning Projects that were recommended by staff to include:

- Updating of the Town's General Plan.

- Updating the Town's Water and Wastewater Infrastructure Plan.
- Providing updated plans for water storage capacity to the Town's water system by formulating plans for a new water tank.

Mayor Robertson then asked members of the public if anyone would like to provide any additional feedback to the Mayor and Council regarding the use of Community Development Block Grant Funds.

No requests to speak by any member of the public were received.

The public hearing session ended at 6:55PM. No action was taken.

C. Adjournment

NO ACTION WILL BE TAKEN DURING THE HEARING

POSTED:

NOTICE OF WORKSHOP - HUACHUCA CITY TOWN COUNCIL

WEDNESDAY, JANUARY 23, 2013 7:00 P.M.

Town Hall Council Chambers - 500 N. Gonzales Blvd. - Huachuca City AZ 85616

~ AGENDA ~

A. Call to Order: 7:00 p.m. Call to Order at 7:00PM

B. Roll Call **Roll Call.**

Present: Byron Robertson (Not voting), Pat Woodruff (Not voting), Duane Brown (Not voting), Donna Johnson (Not voting), Gene McCullough (Not voting), Ken Taylor (Not voting), Laura Wallace (Not voting), Louie Valdez (Not voting), Mary Judge Ryan (Not voting).

1. Interviews of Candidates for appointment to vacancy on the Town Council.

The first candidate interviewed was Mr. Dave Perry.

Council Member Johnson raised a concern about the first candidate, Mr. Dave Perry, being interviewed with all other members present.

Mayor Robertson advised that to do otherwise would be an open meeting law violation. Town Clerk-Administrator advised the same and indicated that if the Council were discussing the appointment of a Town Employee, and if the appointment were properly noticed, then the Council could discuss the matter in Executive Session. Otherwise, the session would need to be held in public.

The workshop proceeded and Mayor Robertson advised that he would take up the applications for Council in the order in which the packet was received. Mayor Robertson called up Mr. Perry and Council Member McCullough advised that he would like to extend the opportunity to Mr. Perry to speak to the Council about why he feels he should be appointed.

Mr. Perry proceeded to speak about the reasons why he should not be appointed as an incentive for appointing him to the Council. He advised that he has no agenda and that he wants to make sure all persons are treated with respect.

Council Member Johnson asked Mr. Perry if he could get along with all members of the Council if appointed and he said yes.

Council Member Johnson then asked why he was applying for the open position instead of running for office and he indicated he did not want to serve a full term.

Council Member McCullough did not have any questions for Mr. Perry.

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Council Member Wallace asked what he would do differently if her were appointed to the Council other than what the Council is currently doing.

Mr. Perry advised that he would not do much differently from what he had done in the past other than try to sway others with his words and reasoned arguments.

Council Member Brown advised that the question he had was already answered.

Mayor Pro Tem Woodruff advised that she also had no questions.

Mayor Robertson asked Mr. Perry about the Senior Center agreement and the other commitments he had made with regard to the Senior Center. He asked if all the documentation he had promised had been forwarded to the Town Clerk's Office.

Mr. Perry advised that any financial reports that may have been prepared by Craig Smith, Senior Center Treasurer, has been forwarded to the Town Clerk's Office as those financial reports had become available.

Mayor Robertson asked about the Court rulings regarding the two-year term as it relates to the Mayor's Office which cost the Town many thousands of dollars in legal fees regarding that case and in what light that effort should be viewed.

Mr. Perry advised that he also spent many thousands of dollars on that case and he addressed the legal reasoning behind the ruling. At the time, Mr. Perry advised that while he was Mayor Pro Tem the Council voted on an ordinance that established the Mayor's term as bring four years. The ordinance was referred to a vote of the people and at that election Mr. Perry was recalled.

Once again, when the matter regarding the referendum that had successfully been overturned by the voters, a fact which was confirmed by Mary Judge Ryan, and no person on the Council raised the issue, that is when Mr. Perry filed the Writ of Mandamus.

Mayor Robertson spoke to the many aspects of the ruling and pointed out to Mr. Perry that he had been recalled by the people not once, but twice.

Mayor Robertson asked about the length of service that he is willing to serve indicating that Mr. Perry had stated he does not have four years in him. Mayor Robertson then pointed out that the Consolidated Elections Act had effectively barred Towns and Cities from holding elections on odd-numbered years.

A discussion ensued regarding the many aspects regarding the Consolidated Elections Act.

A further exchange ensued regarding the financial information received from the Huachuca City Senior Center.

Mr. Perry's Interview ended at approximately 7:23PM.

The next candidate to be interviewed was Mrs. Laurie Robertson.

Mayor Robertson then asked for Laurie Robertson take the podium and introduced herself to the Mayor and Council and spoke about the importance of involving youth and citizens and invoked that it "Takes a Village" to raise the a prosperous community.

Council Member Johnson asked if Mrs. Robertson could get along with all the members of the Council. Mrs. Robertson said absolutely yes and that she listens first and makes decisions based upon all available information.

Council Member Johnson then asked why Mrs. Robertson is applying for this position but no running for the Council. Mrs. Robertson then responded that she felt that there were a number of qualified candidates running for the Council and she wanted to make sure people had a choice.

Council Member Johnson asked if it would be a problem for her to sit on the same Council as her Husband and she said no.

Council Member McCullough advised he had no questions.

Council Member Wallace advised that she knows Mrs. Robertson well but did advise she had once question. Council Member Wallace asked what in particular could do for the Council to better the community.

Mrs. Robertson advised that she wants to make sure the community is informed about what's going on in Town. She further added that she has not been a part of making up the budget and how available budget monies work in a hands-on manner she can make the appropriate changes and decisions to promote community involvement and educations.

Council Member Brown asked if Mrs. Robertson had ever sat on any Council.

Mrs. Robertson advised that she sat on the Youth Advisory Council in her Church where she was responsible for about 150 youths.

Council Member Brown advised that sitting on the Council is very stressful and asked if she had considered this matter. Mrs. Robertson advised that she had discussed this issue with her family and children and understands the level of commitment and time required to do an adequate job.

Mayor Pro Tem made an observation regarding her employment background and advised that what prepared her best for being on the Town Council was working in a psychiatric ward for almost two years.

Mayor Robertson asked if Mrs. Robertson asked if Mrs. Robertson, his wife, could speak to her qualifications and her motivations for applying for this vacant council position. He specifically pointed out that Mrs. Robertson had attended three out of the last four years of the AZ League of Cities Conference and had attended many of the workshops along with her husband.

Mrs. Robertson observed that there were many similarities between her Youth Council Group and the Town Council in that the use of Robert's rules, the analysis of financial information and the consideration of many community matters that must be resolved are issues with which she has been involved.

Mayor Robertson asked if Mrs. Robertson felt if she had an individual right to vote differently from what the prevailing opinion may be among the citizens of the community. Mrs. Robertson advised that it would be incumbent upon her to represent the views of the community within the context of doing what is in the best interests of the Town.

Interview ended at 7:37PM.

The next candidate interviewed was Mrs. Carol Vaughn.

Mrs. Vaughn advised that she has been a member of this community since 1975. She expressed that Huachuca City was her Town and that when she read there was a vacancy on the Council, she impetuously wrote an email that was very short to all members of the Council.

Mrs. Vaughn advised that her main goal was to bring back civility to the Council. She advised that she receives many comments from members of the Sierra Vista Community about the lack of civility. She further advised that she is very proud to live in Huachuca City

She advised that she understands what she is getting into and understands the commitment and stress that service on the Council can bring.

Council Member Johnson advised that Mrs. Vaughn had answered her second question. Mrs. Vaughn advised that the reason she did not run was because she did not realize how quickly petitions needed to be handed in.

Council Member Johnson asked if Mrs. Vaughn if she could work with all members of the Council. Mrs. Vaughn advised that she could work with everyone but could not necessarily agree with all Council Members all of the time.

Council Member then asked how Mrs. Vaughn could say she could work with all the Council Members if she said just a few months ago that they all needed to grow up except for Laura Wallace.

Mrs. Vaughn indicated strongly that she felt the situation a few months ago was, in fact, very ugly and that she still feels that way but that the Council had come a long way.

Council Member McCullough advised Mrs. Vaughn that she would need to resign from the Planning and Zoning Commission and Mrs. Vaughn indicated that she understood that and had no further questions.

Council Member Wallace asked Mrs. Vaughn what she would like to see changed if she were appointed to the Council and clarified that she would like an answer as it relates to the community.

Mrs. Vaughn advised that she feels strongly the Town need to improve the public relations and need to do a better effort at attracting businesses to Huachuca City. She further advised that she was very happy with the effect that the new Town Clerk-Administrator has had on the Town and was appalled with how low his wages were.

Council Member Brown asked how Mrs. Vaughn could say she could separate personal from professional considerations after the remarks she made with regard to their immaturity she feels she displayed when

she reproached them for their conduct. Mrs. Vaughn did not retreat from her position and she advised that she felt that, in fact, they were acting inappropriately.

Council Member Brown advised that she was more than willing to accept criticism but eschewed Mrs. Vaughn's previous approach.

The Mayor then recognized Council Member Wallace again. Council Member Wallace asked if she could recount how many years she had actually served in office. Mrs. Vaughn advised she had been on the Council for 23 years, 11 of which were as Mayor.

Mayor Pro Tem Wallace asked once question of Mrs. Vaughn and alluded to the community clean up and code enforcement efforts currently underway by Town Officials and how she viewed that effort.

Mrs. Vaughn spoke positively on this issue in general and provided examples of efforts on an individual basis put forth by local small businesses to clean up the Town and improve the image of buildings and properties.

In response to Mayor Pro Tem Wallace's question about what the Town can do to further inspire businesses. Mrs. Vaughn recalled a story about attending a dinner on post with the first female general on Ft. Huachuca and a conversation she had with the former Mayor of Sierra Vista about how poorly Huachuca City looked. She pointed out to the former Sierra Vista Mayor that there were many locations in his City that looked worse than what existed in Huachuca City.

Mayor Robertson proceeded to thank Mrs. Vaughn for coming to the meeting and "yelling" at the Council for their inappropriate conduct. The Mayor advised he was a passionate person both publically and privately and pointed out that he has worked for Public Works and recounted the good deeds she provided to staff.

The Mayor then asked how she feels about the efforts put forth by staff regarding the many changes effected by the Town Clerk-Administrator.

Council Member Vaughn spoke positively of the changes that staff has implemented in the recent past.

The Mayor then touched on something that Mayor Pro TemWoodruff with regard to Code Enforcement. He asked if Mrs. Vaughn felt the Town was headed in the right direction.

Mrs. Vaughn advised that she felt the Town was proceeding appropriately and that the Town might consider recognized a "Business of the Quarter".

The Mayor then asked how involved Mrs. Vaughn felt the Town should be involved in community relations such as 4th of July, Summer Splash and This N' That.

Mrs. Vaughn felt those efforts should be voluntary especially for those who go the extra mile.

The Mayor asked if she felt funding should be made available for those types of programs.

Mrs. Vaughn indicated yes.

Interview ended at 8:00PM.

The Mayor ordered a five minute break at 8:01PM without objection.

The Session reconvened at 8:06PM

Mr. Nathaniel Wiesensel was the next person interviewed.

He advised that he had been a resident of Huachuca City for one year, had purchased his first home in Huachuca City one year ago and works for Mr. Fix It.

He further advised that he had no experience in governing and was significantly less qualified than any of the previous candidates.

Council Member Johnson asked how old he was and advised that she felt it did not matter what is age was and that she was sure he could work with all Council Members since he did not know any person on the Council.

Mr. McCullough asked if he knew the Town had commissions that worked with all Town Departments and he said no.

Council Member Wallace indicated she was very happy that Mr. Wiesensel wanted to get involved and spoke to the many meetings and activities that were available to him if this Council appointment did not work out.

Council Member Brown asked why Mr. Wiesensel wanted to get involved. Mr. Wiesensel advised that he feels Huachuca City has great potential and that it's a great place to live.

Council Member Brown asked if he had ever done anything like this ever before. Mr. Wiesensel said no but indicated that he had been a Boy Scout and Eagle Scout and had been involved in cleaning up a cemetery in a rural community and had attended many council meetings in his former community.

Council Member Brown advised that the position can be very stressful.

Mayor Pro Tem Woodruff asked about Mr. Wiesensels'employment at Mr. Fix It. Mr. Wiesensel indicated that he works out of the Sierra Vista Office and has no idea was is going on in the Huachuca City Office.

The Mayor Pro Tem asked about what his interest were in continuing to be involved in other Town activities and he say yes.

The Mayor asked Mr. Wiesensel why he felt he was not qualified and he indicated that he did not have as much of the community political background as the rest of the applicants. The Mayor Pro Tem and Council Member Wallace both indicated that they felt that his lack of experience in that regard was his best asset.

The Mayor asked Mr. Wiesensel if he would be in favor of providing more training to staff if he were appointed. He indicated that he was in favor and he felt that by getting younger people involved could only be a positive step for the community.

The Mayor then asked Mr. Wiesensel why the Council should choose him. Mr. Wiesensel advised there were a few key issues with which he was concerned with. First, he felt that Huachuca City Boulevard must be cleaned up and improved. Next, the transparency and community involvement with a primary emphasis on communication.
The Mayor thanked Mr. Wiesensel for his application and for his feedback.

The interview ended at 8:27PM

The next candidate interview was Mrs. Norma Lavinder.

Mrs. Lavender indicated that she has a lifetime of experience. She was married for 65 years to a man who passed away unexpectedly less than one year ago. Her husband was a military man. Because of the fact that her husband was often away for long periods of time, she has learned to coordinate and to educate herself on many issues.

Mrs. Lavender did not consider at all running for the Council but is President of the Friends of the Library with many major expenses going towards furniture and other materials for the library. She is also active in the National Association of Retired Federal Employees. She is also legislative officer for NARF.

Mrs. Lavender is also president of the VFW Ladies Auxiliary. She indicates that she is learning and growing and supporting several programs in the community and participates in the Huachuca City Christmas Drive.

She indicates that she does not have the stamina she had in the past and that, like many other Town residents, needs assistance. She indicated that she is willing to work with all members of the Council. Sh

Council Member Johnson advised that she answered her questions but did have another question. She asked if Mrs. Lavender if she would be able to meet the time commitments demanded by the Council.

Mrs. Lavender advised that she would do her best to make sure her time would be available for any Council service.

Council Member Johnson advised that if Mrs. Lavender misses three consecutive regular meetings she would be removed from the Council. Mrs. Lavender said yes.

Council Member McCullough indicated he had no questions for Mrs. Lavender.

Council Member Wallace asked how long Mrs. Lavender had been in Huachuca City. Mrs. Lavender indicated that she has lived in Huachuca City since January 2006.

Council Member Wallace asked what was her favorite thing to do in Huachuca City. Mrs. Lavender indicated that she finds a great deal of satisfaction at the Huachuca City Library and recounted a story about her husband. She further praised Lisa Lewis for her steadfast efforts. On a personal basis, she knits, reads and likes puzzles.

Council Member Brown indicated the various questions about her Library experiences in the past and asked if she was ready to take on the stress the vacant Council Position may demand.

Mrs. Lavender indicated that she gave that particular aspect of her possible service a great deal of thought.

She indicated that she thinks she can handle the stress.

Mayor Pro Tem Woodruff indicated that she has had a close, personal relationship with Mrs. Lavender and knows her well.

The Mayor Pro Tem indicated that service on the Council is not the same as service on a volunteer organization and that the stress level is considerable. However, 18 months is a term of office is something she thinks she can handle as a full term would not be tenable.

Mayor Byron Robertson advised that he knew Mrs. Lavender well. He asked Mrs. Lavender what she felt was the thing the community needed to grow further.

Mrs. Lavender pointed out that during the Christmas Drive she learned that 90 families applied for food boxes and asked rhetorically what the Town could do to help this population. She emphasized the need to help these families become self sufficient and to help produce productive citizens.

She further indicated that she was happy to hear about the Town's clean up efforts.

The Mayor asked if there were any other questions for any of the Council Member candidates and none were put forward.

The Mayor thanked all the applicants and indicated that no action would be taken this evening as an action item is on the agenda for tomorrow's council meeting.

The interviews ended at 8:51PM

The Mayor ordered a five minute break without objection at 8:52PM.

The session reconvened at 8:56PM

Meeting adjourned at 9:32PM

2. Discussion of work schedule and performance of Town Clerk/Administrator.

C. Adjournment

NO ACTION WILL BE TAKEN DURING THE HEARING

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Minutes Passed and Adopted this 14th Day of February, 2013.

Approved by Mayor Robertson on the 14th Day of February, 2013.

Mayor Byron Robertson

I hereby certify that the foregoing is a true and correct copy of the Minutes of the Workshop of the Town of Huachuca City held on January 23, 2013. I further certify that the meeting was duly called, and a quorum was present.

Louie Valdez, Town Clerk-Administrator

MINUTES OF REGULAR MEETING AND EXECUTIVE SESSION
HUACHUCA CITY TOWN COUNCIL
THURSDAY, JANUARY 10, 2013, 7:00 P.M.
Town Hall Council Chambers - 500 N. Gonzales Blvd. - Huachuca City AZ 85616

~ AGENDA ~

A. Call to Order and Pledge of Allegiance (Session called to order at 7:02PM).

B. Roll Call (Members present include Mayor Robertson, Mayor Pro Tem Woodruff, Council Members Brown, Taylor, Wallace, McCullough and Johnson.

C. Invocation (Pastor Dave Carns)

D. Approval of Minutes of December 20, 2012 Regular Meeting. (Minutes were pulled as they were not available).

E. Call to the Public [3 minute limit] Agenda Items Only. No requests to speak were received.

Town Council may make an open call to the public during a public meeting. Individual members of the Town Council may respond to criticism made by those who have addressed the Council, they may ask staff to review a matter or they may ask that the matter be put on a future agenda. Members of the Town Council shall not discuss or take legal action on matters raised during an open call to the public unless the matters have been properly noticed on the agenda for discussion and legal action A.R.S. 38-431.01 (G). In order to speak during Call to the Public, please specify what you wish to discuss when completing the Call to the Public form.

F. Reports by Officers

Council Member Johnson provided a report regarding the police department and fire department activities.

Council Member McCullough indicated there was nothing to report from the Planning and Zoning Commission as no meeting was held. At this point Council Member Johnson asked if Mr. Bobby Chapman could be heard as part of her report as she was not aware he would be present for the meeting.

Mayor Robertson then deferred back to Council Member Johnson to hear a report from Citizens on Patrol from volunteer Bobby Chapman. It should be noted Mr. Chapman is also an employee of the Town of Huachuca City.

Council Member Wallace reported on the activities of the Parks and Recreation Committee.

Council Member Ken Taylor reported on correspondence received from the Arizona Department of Environmental Quality (ADEQ). Report received by his department as prepared by Interim Public Works Director. Mr. Tysiac also advised that the Occupational

Health and Safety Administration (OSHA) was in the process of conducting a full inspection and that minor deficiencies had already been identified. OSHA would return tomorrow to inspect the Huachuca City Landfill.

Council Member Brown reported on the Town's expenditures. He also reported a trip to Empire-CAT in Tucson, AZ.

Mayor Pro Tem Woodruff reported on community activities including Polar Express Night.

Mayor Robertson reported on his activities.

G. Town Clerk-Administrator's Report (Mr. Valdez was absent due to his wife's illness).

H. Unfinished Business

I. Discussion and/or action: [Attorney]: Enter into Executive Session pursuant to A.R.S. 38-431.03(A)(3) Discussion or consultation for legal advice with the attorney or attorneys of the public body regarding mediation of KE & G Construction appeal.

J. Discussion and/or action: [Attorney]: Enter into Executive Session pursuant to A.R.S. 38-431.03(A)(3) Discussion or consultation for legal advice with the attorney or attorneys of the public body regarding enforcement of Town Code violations against the property of George Nerhan.

K. Discussion and/or action: [Attorney]: Enter into Executive Session pursuant to A.R.S. 38-431.03(A)(1) Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee or employee with written notice of the executive session as is appropriate but not less than twenty-four hours for the officer, appointee or employee to determine whether the discussion or consideration should occur at a public meeting.

Discussion of performance/assignment of Town Clerk/Administrator

Mayor Robertson indicated that in lieu of the Town Clerk-Administrator's absence, Mr. Valdez's agenda item would be heard upon his return.

Mayor Robertson made the motion to enter into Executive Session with regard to items I and J. Motion was seconded by Mayor Pro Tem Pat Woodruff.

Motion passed unanimously 7-0. Executive Session was convened at 7:22PM

L. New Business

(Session was reconvened from Executive Session upon a motion by Mayor Robertson, seconded by Council Member Duane Brown).

1. Discussion and/or action: [Attorney]: Direction as needed from Executive Session regarding the KE & G Construction appeal.

   Mayor Robertson made the motion to open for discussion.

   Motion was seconded by Mayor Pro Tem Woodruff.

   Mayor Robertson then made a motion to pay attorney's fees in connection with court case involving KE&G.

   Motion was seconded by Council Member Brown.

   Motion passed unanimously 7-0.

2. Discussion and/or action: [Attorney]: Direction as needed from Executive Session regarding the Nerhan property matter.

   Mayor Robertson made a motion to open for discussion.

   Motion was seconded by Council Member McCullough.

   Mayor Robertson then made a motion to refer the Nerhan Property Matter to Cochise County Superior Court.

   Motion was seconded by Council Member Wallace.

   Voting in favor of the motion was Mayor Robertson, Mayor Pro Tem Woodruff, Council Member Wallace and Council Member McCullough.

   Voting against the motion were Council Members Brown and Taylor.

   Council Member Donna Johnson abstained from voting as she cited a possible conflict of interest.

   The motion passed with 4 yes votes and 2 no votes.

3. Discussion and/or action: [Attorney]: Direction as needed from Executive Session regarding performance matters of the Town clerk/Administrator.

   There was no action on this item as the Town Clerk was absent.

4. Discussion and/or action: [Council Member Johnson]: Resignation of Council Member Ken Taylor.

Mayor Robertson made a motion to open for discussion.

Council Member Johnson then interjected and made a motion (for action only) to accept Council Member Taylor's resignation as presented to the Town Clerk and that Mr. Taylor's name be placed on the March 2013 ballot.

The motion was seconded by Council Member Ken Taylor.

Town Attorney Mary Judge Ryan then provided an explanation to the Council advising that a vacancy cannot exist on the Council until there is a resignation by a member of the common council that is unconditional in response to Council Member Johnson's questions.

Council Member Brown then pointed out that the resignation is effective upon the Council deciding who will replace the person on the Council who has resigned.

Council Member Brown advised that the resignation would take effect upon his successor being selected.

Council Member Taylor agreed with Council Member Brown's assessment advising that his resignation is effective upon his replacement being selected by the Council and advised that this practice has historically been the precedent that has been followed.

Attorney Ryan asked for clarification on this point regarding the effective date and time of the resignation and again advised that a vacancy can only occur and be subsequently filled upon the unconditional resignation of the elected official in question.

A discussion ensued between Mayor Robertson, Mayor Pro Tem Woodruff and Council Member Johnson.

Council Member McCullough then indicated that a resignation must first be received before a replacement can be selected by the Council.

Council Member Johnson and Mayor Robertson then engaged in a discussion regarding the procedure and legal issues related to the appointment matter. Particularly, the Mayor asserted that the Council did not have to accept Mr. Taylor's resignation. Council Member Johnson countered that the Council should do so in order to put Mr. Taylor's name on the ballot.

Council Member Brown then asked Town Attorney Mary Judge Ryan to make a point of clarification. Council Member Brown indicated that precedent had provided for Council Member resignation to be effective upon the appointment of their successor and that he had seen this practice followed many times in the past. He also pointed out that this was the situation that occurred when Council Member Laura Wallace was appointed.

Mayor Robertson reminded Mr. Brown that former Council Member Craig Smith had abstained from voting and that a selection process had been followed in Council Member Wallace's case.

Town Attorney Mary Judge Ryan then explained that if, as Council Member Brown had asserted, a vacancy was filled by the vote of the elected official voting to select his replacement, then the Council would effectively be voting to appoint an eighth council member. She clarified that Arizona State Law provides for only seven members to sit on any common council

Council Member Taylor opined that the Town Attorney's argument was, "stupid". Attorney Ryan advised that legally the Council could not have eight members of the Council sitting and then have one resign in order to effect a proper replacement to be appointed the Council.

Mayor Robertson then agreed with Mary Ryan's opinion as did Council Member McCullough. Mayor Robertson asserted that Mr. Taylor had to first resign prior to the Council considering replacement candidates.

Attorney Ryan repeated her assertion that a resignation must first be effected in order to consider the successor for Mr. Taylor. Council Member Johnson indicated again that it was her intent to have Council Member Taylor's name placed on the ballot as the reason for asking the Council to accept Mr. Taylor's resignation.

Mayor Robertson then admonished audience member Dave Perry for being out of order.

The Mayor then advised Council Member Johnson that she was asking the Council to take an in appropriate action. Council Member Johnson indicated that she had made a motion and that she would like to have it addressed.

Mayor Robertson then asked Council Member Johnson to repeat her motion.

Council Member Johnson then repeated her motion to accept Council Member Ken Taylor's resignation as presented and that his name be placed on the ballot.

Council Member Wallace asked if a copy of Mr. Taylor's resignation could be provided to Mayor and Council for their review. She asked if the Council was being asked to accept Mr. Taylor's resignation as written and Council Member Johnson said yes.

Council Member Brown then made a motion to call for the question. The Mayor asked acknowledged that a Call for the Question had been made and he asked the Council if it was their desire to do so?

Town Attorney Mary Judge Ryan then reminded the Council that a motion and second were required in order to take action. Council Member Johnson clarified that she had, in fact, made a motion and that it had been seconded.

Council Member Wallace advise that she had not seen the Mr. Taylor's letter of resignation and that she would like to have seen a hard copy.

An issue was then raised by Council Member Wallace about the manner in which the agenda was worded with regard to this particular item and she asked for clarification from Attorney Mary Ryan.

Attorney Ryan then clarified the language of the agenda item and the nature of the letter and what would specifically need to be stated in the form of a motion in order to effect a valid resignation from the Council by Mr. Taylor.

Council Member Wallace then asked which resignation the Council would be voting to accept. Council Member Johnson then indicated it would be the resignation submitted by Mr. Taylor to Town Clerk Valdez last week.

Both the Mayor and Council Member Wallace indicated that a determination of which resignation to be considered must be provided to the Council in order for appropriate action to be taken.

Council Member Johnson then indicated it would be the resignation as stated on the agenda to which both Council Member Wallace and Mayor Robertson indicated there was no specification of the resignation to be accepted stated on the agenda and that it was now up to the Council to decide in what form the resignation would be accepted.

Town Attorney Mary Judge Ryan then advised that the resignation to be considered would be the December 28th letter submitted by Mr. Taylor.

The Mayor then asked Attorney Ryan if it was a conflict of interest for Council Member Taylor to vote on his replacement. She indicated that the motion on the table was to accept Mr. Taylor's resignation as presented, per the motion of Council Member Johnson, and that she had already spoken to the consequences of voting in the manner proposed.

Council Member McCullough then proposed a modification to Mr. Taylor's resignation so that it would have the intended effect of making Mr. Taylor eligible for the ballot.

Council Member Taylor then asked to re-read his letter of resignation. He advised that he wrote his letter on advice from the Department of Justice. Mr. Taylor advised that the Huachuca City Town Code was not clear on this point.

Mr. Taylor advised that Town Clerk-Administrator Valdez advised him he would need to resign immediately and that he did not find any reference in Arizona State Law to this effect.

Mr. Taylor then read from the letter received from Mr. Valdez regarding the eligibility to run for the office of Mayor and the requirements he would need to fulfill in order to become eligible.

Mr. Taylor then reiterated what he wrote in his letter then he would resign upon the appoint of his replacement. He advised that as soon as his replacement is sworn in, he would leave his seat and sit in the audience.

Town Attorney Ryan then advised the Council of the requirements to qualify for the ballot under the Town Code.

The Mayor advised that the Council had just voted to uphold the Town Code on a separate item on the agenda.

Town Attorney then responded to Council Member Wallace regarding further clarification on the question at hand.

Attorney Ryan responded to a question from Council Member Taylor advising that if another person was appointed to the Council, then there would effectively be eight members on the Council which is not allowed under state law.

Council Member Johnson then asked why the Mayor wanted to make this process so hard.

Attorney Ryan reminded the Council that they do not have the power to place a candidate on the ballot as there is a process for qualifying persons to do so. Mrs. Ryan advised that any resignation would not be effective while citing a contingent factor or date. It would only be effective upon his immediate resignation.

Council Member McCullough advised that a resignation would need to be submitted in order to allow Mr. Taylor to become an eligible candidate.

Council Member Johnson advised that she wanted for Ken Taylor's name to appear on the ballot and that she wanted the Council to be able to direct Town Clerk-Administrator Valdez to do so.

Attorney Ryan then advised that the manner in which to make Mr. Taylor eligible was to then accept the suggestion made by Council Member McCullough.

Additional discussions were held on this point between Council Member Johnson, Council Member McCullough and Mayor Robertson. The Mayor reiterated that Council Member Taylor's name could not be ordered to be placed on the ballot.

Council Member McCullough then asked Mayor Robertson if he would be amendable to having Mr. Taylor sign a modified letter of resignation to resign immediately in order to become eligible to run for Mayor and pointedly made it clear to Mr. Taylor that it was his choice to do so.

Council Member Taylor advised that he would sign the letter but that someone would be appointed to his vacant seat this same evening and Council Member McCullough advised that was not acceptable.

Attorney Ryan advised that the letter would need to be clear about Mr. Taylor resigning immediately in order for it to become effective.

After interspersed discussion among the Town Attorney and members of the Council, Mr. Taylor finally acceded to signing a modified letter of resignation that would become effective immediately and he acknowledged that he would not be able to vote on his replacement.

Mr. Taylor then read his modified letter of resignation out loud to the Mayor and Council. Council Member stood up and walked over to Mr. Taylor to supervise the new draft and initialing of the letter and Mr. McCullough subsequently handed the letter to Town Attorney Ryan.

Council Member McCullough then offered a friendly amendment to Council Member Johnson's original motion but Council Member Johnson did not accept.

Council Member McCullough then asked Council Member Johnson if she wanted for Mr. Taylor's name to appear on the ballot and she said yes.

However, at this point she called for a vote and Town Attorney Mary Ryan asked Council Member Johnson for clarification on the motion. Attorney Ryan asked if Council Member Johnson's motion was to accept Mr. Taylor's resignation as submitted and Council Member Johnson said yes.

Ms. Johnson stated that she also wanted to make sure that Mr. Taylor's name appeared on the ballot and Mrs. Ryan advised that she would report the outcome of the vote to Town Clerk-Administrator Louie Valdez for his consideration and action as the Town's Election Official.

Council Member McCullough called for the question and the motion to accept Council Member Ken Taylor's immediate resignation from the Council was approved unanimously 6-0 via roll call. It should be noted that Council Member Taylor asked if he was allowed to vote on this motion and Mayor Robertson said no.

At this point, Council Member Taylor left the Dias as his resignation became immediately effective.

5. Discussion and/or action: [Council Member Johnson]: Filling of vacancy of Council Member Ken Taylor seat.

Mayor Robertson made a motion to open for discussion and/or action.

The motion was seconded by Council Member Donna Johnson for discussion.

Council Member Johnson asked if the Council wanted to accept applications.

The Mayor Pro Tem Woodruff advised that many persons had shown an interest and felt that it would be inappropriate to appoint someone without soliciting applications.

Council Member McCullough advised that some time needed to be taken to accept applications and to consider a wide range of candidates.

The Mayor agreed that all interested persons needed to be provided a chance to apply for the vacant council seat.

Council Member Johnson made a motion to allow two weeks for interested persons to apply for the vacant council seat and then submit to an interview before the council.

Council member Johnson advised she would be in favor of advertising the vacancy in the newspaper and then interview the prospective candidates in open session during the course of a workshop.

After additional discussion, the motion was restate to include that at workshop would be scheduled for the Wednesday before the next regular meeting session to begin at 6:30PM and that the vacancy would be advertised for two weeks in the Sierra Vista Herald after which time prospective candidates would be interviewed and a decision on the appoint would be made at the next regular session of the Mayor and Council.

The motion was seconded by Council Member Johnson.

The motion was approved unanimously 6-0.

6. Discussion and/or action: [Council Member Johnson]: Qualification of Ken Taylor for placement the ballot of the next election as a candidate for the office of Mayor.

There was no action on this item as the Council determined that candidates would be interviewed during a workshop session at a later date.

7. Discussion and/or action: [Town Clerk/Administrator]: Resolution 13-1 Referring the Question of Allowing the Town to Exceed the Expenditure Limit (Home Rule) to a Vote of the People on the Next Election.

Motion to open for discussion was made by Mayor Robertson.

The Motion was seconded by Council Member McCullough.

Mayor Robertson provided a brief explanation of the resolution being considered by Mayor and Council regarding the Home Rule referral to the voters during the May 2013 election.

Mayor Robertson made a motion to approve the resolution as presented.

The motion was seconded by Council Member Brown.

The motion passed unanimously 6-0.

8. Discussion and/or action: [Town Clerk/Administrator]: Resolution 13-2 Referring the Grant of a Franchise to Sulphur Springs Valley Electric Cooperative, Inc., an Arizona Corporation, to Maintain and Operate the Energy transmission and Distribution System within the limits of the Town of Huachuca City to a Vote of the People on the next election.

   Mayor Robertson made a motion to open this item for discussion.

   The motion was seconded by Council Member McCullough.

   Town Attorney Mary Judge Ryan provided a brief explanation of the resolution being considered by Mayor and Council regarding the SSVEC Franchise Agreement referral to the voters during the May 2013 election.

   A motion to approve the resolution was made by Mayor Robertson.

   The Motion was seconded by Council Member Laura Wallace.

   <u>The motion passed unanimously 6-0.</u>

9. Discussion and/or action: [Town Clerk/Administrator]: Annexation Area Zoning and Development Code discussion.

   Mayor Robertson made a motion to open this item for discussion.

   The motion was seconded by Council Member Duane Brown.

   Interim Public Works Director Larry Tysiac provided a brief explanation of the item being presented as it relates to the Town's development code and zoning area map. He advised that it was very difficult to amend the current code to reflect a modern approach to potentially new annexed areas.

   Therefore, he proposed overlay zoning for outlying areas, leaving the existing code and requirements for the existing Town footprint.

   Council Member Wallace asked about the effect the overlay would have regarding new potential areas. Mr. Tysiac advised that the overlay would only subject the new areas to the new overlay zoning code. He further advised that the new plan would need to be reviewed by the Planning and Zoning Commission before being brought back to Council for final approval. These updates would be rolled into the General Plan Update.

   Council Member McCullough advised that it was about time these changes were proposed.

   Mayor Pro Tem Woodruff spoke positively of the proposed changes and referred to her experience while living in the State of California.

10. A motion to approve Mr. Tysiac's request to develop Annexation Area Zoning and Development Code amendments to be reviewed by the Town's Planning and Zoning Commission and then referred to the entire Council for final approval was made by Mayor Pro Tem Woodruff.

    The Motion was seconded by Council Member McCullough.

    The motion passed unanimously 6-0.

11. Discussion and/or action: [Town Clerk/Administrator]: CDBG Skyline Drainage Project contract award to KE & G.

    Mayor Robertson made a motion to open the item for discussion.

    The motion was seconded by Council Member Laura Wallace.

    Mr. Larry Tysiac, Interim Public Works Director, presented a brief explanation of the bids the contractor lowest responsible contractor to the Town which, in this case, is KE&G. Mr. Tysiac recommended that the Town award the bid to KE&G. Mr. Tysiac advised that a subsequent change order would be submitted to the Town regarding this project.

    Mayor Pro Tem Woodruff made the motion to award the bid to KE&G.

    Council Member Brown asked Mr. Tysiac if he thought KE&G could do the work the work for the amount of money proposed and Mr. Tysiac said yes. Mr. Tysiac went on to state that he thought that the bid accurately reflected the amount that the project should cost.

    The motion made by the Mayor Pro Tem was seconded by Council Member Brown.

    The motion passed unanimously 6-0.

12. Discussion and/or action: [Town Clerk/Administrator]: Proposal for SCS to Provide Landfill Planning Services for the Huachuca City Landfill.

    Mayor Robertson made a motion to open for discussion.

    The motion was seconded by Council Member Duane Brown.

    Mr. Larry Tysiac, Interim Public Works Director, provided an overview of the proposal submitted to the Town by SCS to utilize the land that was purchased by Huachuca City at the Landfill. A possible horizontal expansion using this property would allow the Town to reduce the vertical expansion. The proposal includes all cost estimates.

    Mr. Tysiac advised that the Council may want to proceed with a new submittal to execute the horizontal expansion to ADEQ but that is a separate process.

Council Member Brown asked Mr. Tysiac if ADEQ would allow this type of proposal to proceed. Mr. Tysiac clarified that the request before the Council is for a conceptual design to determine what the costs may be if the Council chooses to proceed with the formulation of a formal proposal.

Additionally, Mr. Tyasic advised that the landfill has an issue related to drainage issue that is a "timebomb" that studies the feasibility of relocating the draining pipe so as to avoid any future problems in that regard.

Council Member McCullough wanted to make sure that he understood the nature of the proposal presented by Mr. Tysiac. The issue was sufficiently clarified.

Mayor Robertson made a motion to approve the formulation of a conceptual landfill design by SCS as presented by Mr. Tysiac.

The motion was seconded by Council Member McCullough.

The motion passed unanimously 6-0.

13. Discussion and/or action: [Town Clerk/Administrator]: First Reading of Ordinance 13-1 amending Ordinance 96-001 Increasing the pay rate for Public Defenders to $100.00 per hour. This rate has not increased in at least 15 years making it difficult to hire appropriate counsel for some of our indigent clients.

Mayor Robertson made a motion to open for discussion and/or action.

Motion was seconded by Council Member McCullough.

Town Attorney Mary Judge Ryan responded to a question by Council Member McCullough about the current rate of pay and the Arizona State Statute that limits compensation of defense counsel to $200.00 per hour.

Court Clerk Margaret Saenz also informed the Council that there is currently an ordinance that provides for collecting the costs from defendants in cases where representation is needed.

Town Attorney Ryan then outlined the parameters of the rate of pay for the Council.

Court Clerk Saenz then described the circumstances when a court-appointed public defender needed to be appointed under Arizona Law.

Mayor Robertson then asked Court Clerk Margaret Saenz, acting on behalf of Town Clerk-Administrator Louie Valdez, to re-read the ordinance's first reading.

The first reading was completed as requested, no formal motion was required beyond the reading..

14. Discussion and/or action: [Town Clerk/Administrator: Change order for repair of the small landfill packer.

Mayor Robertson made a motion to open for discussion.

Motion was seconded by Council Member Duane Brown.

Council Member Brown clarified that the smaller of the landfill packer was the piece of equipment to be discussed.

Mr. Brown reported on the trip he took to the offices of the CAT-Empire Corp. in Tucson, AZ with Interim Public Works Director Larry Tysiac.

Mr. Brown indicated he had several concerns with the manner in the repair estimates were presented to the Council.

After considerable discussion among Council Members, a motion was made to authorize repairs for the radiator, motor and transmission in an amount to up to $130,000.00 to include the original $97,000.00 repair fee.

Motion was seconded by Mayor Pro Tem Woodruff.

Motion was approved 5-1, Council Member Johnson voting no.

15. Discussion and/or action: [Town Clerk/Administrator]: Proposed personnel changes including

    i. Allocation of funds for the creation of a Front Desk Receptionist, reclassifying the previously created Admin/Executive Assistant position to Assistant to the Town Clerk and allocation of funding source and designating Bobby Chapman as the Full Time Information Technology Coordinator also with allocation of funding source.
    ii. Creation of a part-time Grants Administrator position not to exceed 25 hours per week and allocation of funds for the position.
    iii. Covering all Huachuca City Police Officers Health and Dental Benefits at 100%.
    iv. Creation of a Human Resources Coordinator and allocation of funds for the position.

No action was taken on item 13 as the Town Clerk-Administrator was absent.

M. Payment Approval Report in the amount of $103,659.59.

Mayor Robertson made a motion to approve the Payment Approval Report.

Motion was seconded by Council Member Duane Brown.

Motion passed unanimously 6-0.

Minutes Passed and Adopted this 24th Day of January, 2013.

Approved by Mayor Robertson on the 24th Day of January, 2013.

Mayor Byron Robertson

I hereby certify that the foregoing is a true and correct copy of the Minutes of the Regular Meeting and Executive Session of the Town of Huachuca City held on January 10, 2013. I further certify that the meeting was duly called, and a quorum was present.

Louie Valdez, Town Clerk-Administrator